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COMMEMORATION OF THE FIFTIETH ANNIVERSARY OF THE UNITED NATIONS

Letter dated 26 October 1995 from the Permanent Representative of France to the United Nations addressed to the President of the General Assembly

During the debate held on the occasion of the fiftieth anniversary of the United Nations, a number of delegations referred to the final series of tests to complete the French nuclear test programme in terms which have led the French delegation to make the following clarifications:

1. The final series of tests currently under way is the conclusion of a programme designed to guarantee the security and reliability of French weaponry and to acquire independent mastery of simulation techniques.

2. The completion of this programme will enable France to support the conclusion in 1996 of a comprehensive test-ban treaty which would be truly significant, in that it would ban all testing of nuclear weapons or any other nuclear explosion. It is the choice of the zero option, made first by France, which gives the signing of such a treaty its full meaning. Had it not been for this final series of tests, France would have been unable to take such an initiative, which has given new impetus to the test-ban treaty negotiations.

3. This final series of tests conforms to the law and to French undertakings, particularly at the Review and Extension Conference of States Parties to the Treaty on the Non-Proliferation of Nuclear Weapons in 1995. France has exercised the greatest restraint in carrying out the minimum number of tests for its security objectives. It has always made it clear that it reserves the right to complete its programme.

4. Finally, the French nuclear tests have no harmful effect on the environment.

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Every precaution has been taken in that respect; the French test sites are those which have been subject to the greatest number of independent scientific investigations. Studies carried out by such undisputed authorities as Mr. Tazieff, Mr. Atkinson and Mr. Cousteau have reached the conclusion that our experiments have no effect on any aspect of the environment, i.e., on the atmosphere, fauna or aquatic flora or indeed on geological stability.

The same is true of comparative radioactivity, as proved by the measurements taken from 1991 to 1994 by foreign laboratories of international repute.

This fact was confirmed by the report presented at the meeting of ministers of environment of the South Pacific Forum in Brisbane on 10 August 1995 by a group of Australian scientists.

Furthermore, the European Commission stated on 24 October that the French tests posed no danger to the health of populations or the environment, and that all security measures had been taken by the French authorities.

In conclusion, on 8 August, France requested the Director-General of the International Atomic Energy Agency (IAEA) to organize an independent scientific evaluation mission, to be carried out at the end of this final series of tests.

I should be grateful if you would have this letter circulated as a document of the General Assembly, under agenda item 29, and included in the report of the special session to commemorate the fiftieth anniversary.

(Signed) Alain DEJAMMET

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QUESTION OF PALESTINE
THE SITUATION IN THE MIDDLE EAST

SECURITY COUNCIL
Fiftieth year

Report of the Secretary-General

1. The present report is submitted in accordance with General Assembly resolution 49/62 D of 14 December 1994 on the question of Palestine.

2. On 1 September 1995, the Secretary-General, pursuant to the request contained in paragraph 8 of that resolution, addressed the following letter to the President of the Security Council:

> "I have the honour to refer to resolution 49/62 D, which the General Assembly adopted on 14 December 1994, at its forty-ninth session, under the agenda item 'Question of Palestine'.
>
> "Paragraph 8 of the resolution requests the Secretary-General to continue his efforts with the parties concerned, and in consultation with the Security Council, for the promotion of peace in the region and to submit progress reports on developments in this matter.
>
> "In order to fulfil my reporting responsibilities under this resolution, I should be grateful if you would be so kind as to convey to me the views of the Security Council by 29 September 1995."

3. On 25 September 1995, the following reply was received from the Security Council:

> "The Security Council continues to be determined to provide the necessary backing to the Middle East peace process, giving full support to its achievement, including the Declaration of Principles of 13 September 1993, as well as the subsequent implementation Agreements.

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"The Council believes that the parties should be further encouraged to adhere to and fully implement the provisions of the Agreements reached."

4. In a note verbale dated 31 August 1995 to the parties concerned, the Secretary-General sought the positions of the Governments of Egypt, Israel, Jordan, Lebanon and the Syrian Arab Republic, as well as the Palestine Liberation Organization (PLO), regarding any steps taken by them to implement the relevant provisions of the resolution. As at 18 October 1995, the following replies had been received.

Note verbale dated 11 September 1995 from the Permanent Representative of Israel to the United Nations addressed to the Secretary-General

"The Permanent Representative of Israel wishes to recall that Israel voted against resolution 49/62 D. Its position remains unchanged. Israel has long advocated direct negotiations without preconditions, freely agreed upon by all parties concerned as the only framework to advance peace in the Middle East.

"The peace process begun at Madrid is based upon this principle. Within the framework of the peace process, Israel and the PLO signed the Declaration of Principles on 13 September 1993 (A/48/486-S/26560, annex), the subsequent Agreement on the Gaza Strip and the Jericho area on 4 May 1994 (A/49/180-S/1994/727, annex) and the Agreement on Preparatory Transfer of Powers and Responsibility on 25 August 1994. Additionally, Israel and Jordan signed a treaty of peace on 26 October 1994 (A/50/73-S/1995/83). Furthermore, bilateral and multilateral negotiations between Israel and its neighbours continue, and Israel looks forward to progress on all tracks of the peace process.

"Resolution 49/62 D stands in direct contradiction to the above-mentioned principle, which is the agreed basis of the ongoing peace process. Moreover, paragraph 5 of the resolution is intended to predetermine the outcome of the final status talks agreed upon by Israel and the PLO in the Declaration of Principles, as well as the results of the negotiations on the other tracks. This attempt is contrary to any notion of genuine negotiations."

Note verbale dated 16 October 1995 from the Permanent Observer of Palestine to the United Nations addressed to the Secretary-General

"The Permanent Observer of Palestine to the United Nations seeks to convey the position of the Palestinian leadership of the Palestine Liberation Organization and the Palestinian National Authority on this matter.

"The sponsors of General Assembly resolution 49/62 D, while retaining essential principles, introduced important changes to accommodate the positions of some Member States. As a result, the resolution received overwhelming support from Members of the Assembly. The resolution provides support for the peace process and a more active and expanded role for the United Nations in this process. It also provides the basis for the just

settlement of the question of Palestine by the end of the process. As such, the resolution should serve as an acceptable basis for all parties to work on these important issues.

"In paragraph 2 of resolution 49/62 D, the General Assembly expressed its support for the ongoing peace process, which began in Madrid, and the Declaration of Principles on Interim Self-Government Arrangements (A/48/486-S/26560, annex), as well as subsequent implementation agreements, and expressed the hope that the process would lead to the establishment of a comprehensive, just and lasting peace in the Middle East.

"Since that resolution, further positive developments on the Palestinian-Israeli track of the peace process have taken place, in particular the signing, on 28 September 1995 in Washington, D.C., of the second implementation agreement of the Declaration of Principles, namely, the Interim Agreement on the West Bank and Gaza Strip, which provides, inter alia, for the extension of the self-government arrangements to the rest of the West Bank and the holding of general and democratic Palestinian elections.

"During the past year there have been various delays in the implementation of the Declaration of Principles and there has also been some lack of compliance with the provisions of the agreement reached. The two sides, however, have recently indicated their firm commitment to implementing the interim agreement of 28 September 1995 in good faith, fully and according to the agreed timetable. They also reaffirmed their intention to enter into the final status negotiations according to the relevant provisions of the Declaration of Principles.

"While in the seventh preambular paragraph of resolution 49/62 D the General Assembly affirmed the illegality of the Israeli settlements in the territory occupied since 1967 and of Israeli actions aimed at changing the status of Jerusalem, in paragraphs 4 and 5, it stressed the need for the realization of the inalienable rights of the Palestinian people, primarily the right to self-determination and the withdrawal of Israel from the Palestinian territory occupied since 1967 and also stressed the need for resolving the problem of the Palestine refugees in conformity with its resolution 194 (III) of 11 December 1948.

"The Palestine side strongly believes that the international community and the General Assembly should always uphold the principles of the Charter of the United Nations, international law, international humanitarian law and the validity of Security Council resolutions. As such, the General Assembly has to uphold its positions related to the inalienable rights of the Palestinian people, and it should maintain its positions related to the elements of the final settlement (final status issues), where Israel has already created illegal, de facto situations, until negotiations on those issues take place and conclude in the second stage of the peace process and the final settlement is effectively achieved.

"In paragraph 7 of the same resolution the General Assembly emphasized the importance for the United Nations to play a more active and expanded

role in the current peace process and in the implementation of the Declaration of Principles. The Palestine side welcomes the progress made in this regard, especially in the field of providing economic, social and other assistance to the Palestinian people. It welcomes in particular the work of the United Nations Special Coordinator in the Occupied Territories in the field of coordinating United Nations, as well as international, assistance to the Palestinian people. It also welcomes the steps taken to move the headquarters of the United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA) to the territory under the Palestinian Authority, while affirming the continuation of the valuable and important work of UNRWA in other fields of operation outside of these areas.

"The Palestinian side hopes, however, that the United Nations will be more involved in the peace process itself. In this regard, the participation of the United Nations in the steering committee of the multilateral working groups would be a normal step forward. Another step would be the participation of the United Nations in the supervision of the upcoming Palestinian elections. In general, the Palestinian side believes that there is a need for broader acceptance of the United Nations in order for it to play its natural, positive role in the historic search for peace in the Middle East. Further involvement of the Security Council would also be a very important element in the interest of the peace process.

"Finally, the Palestinian side, as it did in previous years, would like to underscore the request made by the General Assembly in resolution 49/62 D for the Secretary-General to continue his efforts with the parties concerned, and in consultation with the Security Council, for the promotion of peace in the region and to submit progress reports on developments in this matter. The Palestinian side stands ready to cooperate fully with the Secretary-General to carry out those efforts in an effective and successful manner and, in the light of the changes made and the new language of the resolution, it expects the other parties to do the same."

Observations

5. The past year has seen important progress in the Middle East peace process. The Israeli-Palestinian Interim Agreement on the West Bank and the Gaza Strip, which was signed on 28 September 1995, represented a significant step forward in the implementation of the Declaration of Principles (A/48/486-S/26560, annex). It provided a solid basis for the realization of the legitimate rights of the Palestinian people, a goal that has long been sought by the United Nations. I earnestly hope that the resolve and dedication to peace shown by Israeli and Palestinian leaders will continue to guide them through the transitional stage until a permanent settlement is reached on the basis of Security Council resolutions 242 (1967) and 338 (1973).

6. I hope that these developments, together with the ongoing implementation of the Israeli-Jordanian peace accord, will generate momentum for progress on the Israeli-Syrian and Israeli-Lebanese tracks of the Middle East peace talks,

leading to a comprehensive, just and lasting solution of the Arab-Israeli conflict.

7. The United Nations will continue to support the peace process, politically and economically, in order to reinforce what has been achieved in the course of negotiations and help build the foundations for a new post-conflict Middle East. It already participates actively in the multilateral negotiations on regional economic, security, environment, water and refugee issues. The United Nations agencies and programmes are doing their utmost to assist the Palestinian people in Gaza and the West Bank. The United Nations Special Coordinator, Mr. Terje Rod Larsen of Norway, and his Office have been instrumental in supporting and facilitating these activities, which are playing an important role in building peace. In the transitional period, he will continue to serve as a focal point for United Nations economic, social and other assistance to the Palestinians throughout the occupied territories.

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UNITED NATIONS PROGRAMME OF ASSISTANCE IN THE TEACHING, STUDY, DISSEMINATION AND WIDER APPRECIATION OF INTERNATIONAL LAW

Report of the Secretary-General

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I. INTRODUCTION

1. The United Nations Programme of Assistance in the Teaching, Study, Dissemination and Wider Appreciation of International Law was established by the General Assembly under its resolution 2099 (XX) of 20 December 1965 and has been continued under relevant resolutions repeated annually until 1971 and biennially thereafter. 1/ The most recent resolution concerning the Programme is resolution 48/29 of 9 December 1993.

2. In resolution 44/23 of 17 November 1989, by which it declared the period 1990-1999 the United Nations Decade of International Law, the General Assembly considered one of the main purposes of the Decade to be the encouragement of the teaching, study, dissemination and wider appreciation of international law and stressed the need to promote those activities. 2/ The foregoing was reaffirmed by the Assembly in its resolutions 45/40 of 28 November 1990, 47/32 of 25 November 1992 and 49/50 of 9 December 1994 by which it adopted the programme for the activities for the first term (1990-1992), the second term (1993-1994) and the third term (1995-1996) of the Decade respectively. 3/

3. Moreover, in its resolution 48/29, the General Assembly, bearing in mind the objectives of the United Nations Decade of International Law, authorized the Secretary-General to carry out in 1994 and 1995 the activities specified in the report that he had submitted at the forty-eighth session (A/48/580). The Assembly expressed its appreciation to the Secretary-General for his constructive efforts to promote training and assistance in international law within the framework of the United Nations Programme of Assistance in the Teaching, Study, Dissemination and Wider Appreciation of International Law, in particular for the organization of the twenty-eighth 4/ and twenty-ninth 5/ sessions of the International Law Seminar, held at Geneva in June 1992 and June 1993 respectively, and for the activities of the Office of Legal Affairs of the Secretariat related to the fellowship programme in international law and to the Hamilton Shirley Amerasinghe Memorial Fellowship on the Law of the Sea, carried out, respectively, through its Codification Division and its Division for Ocean Affairs and the Law of the Sea. The Assembly also expressed its appreciation to the United Nations Institute for Training and Research (UNITAR) and to the United Nations Educational, Scientific and Cultural Organization (UNESCO) for their participation in the Programme.

4. In paragraph 17 of resolution 48/29, the General Assembly requested the Secretary-General to report to it at its fiftieth session on the implementation of the Programme during 1994 and 1995 and, following consultations with the Advisory Committee on the Programme, to submit recommendations regarding the execution of the Programme in subsequent years.

5. The present report deals with the implementation of the Programme of Assistance during 1994-1995 in accordance with the guidelines and recommendations submitted regarding the execution of the Programme in subsequent years. The report, inter alia, gives an account of the activities performed by the United Nations itself and of those in which the Organization has participated, as well as a description submitted to the Secretary-General by UNITAR and UNESCO concerning their own activities.

II. IMPLEMENTATION OF THE PROGRAMME DURING THE BIENNIUM 1994-1995

A. Activities of the United Nations

1. Geneva International Law Seminar

6. Pursuant to General Assembly resolution 48/31 of 9 December 1993, the United Nations Office at Geneva organized the thirtieth session of the International Law Seminar during the forty-sixth session of the International Law Commission. The Seminar is intended for postgraduate students of international law and young professors or government officials dealing with questions of international law in the course of their work. Twenty-four candidates of different nationalities, mostly from developing countries, were selected. Twenty-three of the selected candidates were able to participate in the 1994 session of the Seminar, which was held at the Palais des Nations from 20 May to 10 June 1994.

7. Participants were from the following countries: Belgium, China, Costa Rica, Cuba, Greece, Guinea, Indonesia, Israel, Kenya, Mali, Mexico, Peru, Qatar, Republic of Moldova, Saint Lucia, Slovakia, Sri Lanka, South Africa, Syrian Arab Republic, Tunisia, Turkey, Ukraine and Zimbabwe. 6/

8. Furthermore, pursuant to General Assembly resolution 49/51 of 9 December 1994, the United Nations Office at Geneva organized the thirty-first session of the International Law Seminar during the forty-ninth session of the International Law Commission. Twenty-four candidates of different nationalities, mostly from developing countries, were selected. Twenty-three of the candidates were able to participate in the seminar which was held at the Palais des Nations from 22 May to 9 June 1995.

9. Participants were from the following countries: Argentina, Australia, Austria, Brazil, Bulgaria, Burkina Faso, Burundi, Côte d'Ivoire, Croatia, El Salvador, India, Jamaica, Japan, Lao People's Democratic Republic, Latvia, Libyan Arab Jamahiriya, Mongolia, Niger, Rwanda, Spain, Switzerland, Trinidad and Tobago and Uruguay. 7/

10. During the three weeks of each session, the participants attended the meetings of the International Law Commission. In addition, a number of lectures were given at the Seminar. Some of the lectures were delivered by members of the Commission; others were given by officials of the United Nations and of the secretariats of other international organizations at Geneva, as well as of the International Committee of the Red Cross.

11. At the 1994 session, three working groups were created to deal with: (a) the legal basis for the establishment of an international criminal court; (b) international crimes (article 19 of the draft articles on State responsibility); and (c) reservations to multilateral treaties. At the 1995 session, two working groups were created to deal with: (a) the state of international law in the context of unilateral acts and (b) the consequences of international crimes. 8/ Both in 1994 and in 1995, each working group prepared

a paper on its topic; the papers were presented orally and copies were made available to the members of the Commission.

12. The Seminar is funded by voluntary contributions from Member States and through national fellowships awarded by Governments to their own nationals. The Commission noted with particular appreciation that in 1994 the Governments of Austria, Denmark, Finland, France, Germany, Iceland, Norway, Slovenia and Switzerland and in 1995 the Governments of Austria, Denmark, Finland, France, Germany, Ireland, Norway, Switzerland and the United Kingdom of Great Britain and Northern Ireland had made fellowships available to participants from developing countries through voluntary contributions to the appropriate component of the United Nations Programme of Assistance. With the award of these fellowships, it was possible to achieve adequate geographical distribution of participants and to bring from distant countries deserving candidates who would otherwise have been prevented from participating in the session. For the 1994 session, full fellowships (travel and subsistence allowance) were awarded to 14 participants, and partial fellowships (subsistence only) to two participants. For the 1995 session, full fellowships were awarded to nine participants and partial fellowships to six participants. Thus, of 690 participants, representing 152 nationalities, who have participated in the Seminar since its inception in 1964, fellowships have been awarded to 374. 9/

13. At both sessions, the Commission stressed the importance it attached to the sessions of the Seminar, which enable young lawyers and especially those from developing countries to familiarize themselves with the work of the Commission and the activities of the many international organizations that have their headquarters at Geneva. However, as the available funds were almost exhausted, the Commission recommended that the General Assembly should again appeal to States able to do so to make the voluntary contributions needed to hold the Seminar in 1996 with as broad a participation as possible. 10/

14. The Commission also noted with satisfaction that, in 1995, comprehensive interpretation services had been made available to the Seminar. It expressed the hope that the same full services and facilities would be made available to the Seminar at the next session, despite existing financial constraints. 11/

2. Activities of the Office of Legal Affairs

(a) Public international law and other activities

15. As in the past, the Office of Legal Affairs of the United Nations Secretariat, and in particular its Codification Division, continued to perform various functions connected with the goals of the Programme.

16. Pursuant to the relevant recommendations of the Secretary-General (A/48/580, paras. 137 and 138) and paragraph 1 of resolution 48/29, the Office participated with UNITAR in the decision-making process on the various aspects relating to the general orientation of the Fellowship Programme in International Law, such as the selection of fellows and the appointment of lecturers for the Programme. In that connection, the officers responsible for the conduct of the Fellowship Programme in the Codification Division of the Office of Legal Affairs

and in UNITAR acted in close consultation to ensure the implementation of the guidelines for the Fellowship Programme as approved by the General Assembly. Furthermore, the Office of Programme Planning, Budget and Accounts of the Secretariat has vested in the Office of Legal Affairs the certifying authority for expenditures against the accounts related to the United Nations Programme of Assistance in the Teaching, Study, Dissemination and Wider Appreciation of International Law.

17. Furthermore, the Office of Legal Affairs received and assigned interns to participate in activities related to some of its projects. The Office, in cooperation with the Office of Human Resources Management of the Secretariat, selects the interns and the duration and type of their training, which may consist in attaching the intern to a project of the Office of Legal Affairs related to matters in which the intern has a special interest, for academic or other reasons. None of the interns entail any financial burden for the Organization.

18. Members of the staff of the Office of Legal Affairs, upon the proposal of the Department of Public Information of the Secretariat, have also lectured at Headquarters on various aspects of international law and the law of international organizations to groups of foreign office officials and university students, as well as to representatives of non-governmental organizations.

19. The Codification Division, among other activities related to the Programme, also performs secretariat functions for the Advisory Committee on the Programme and has been involved in the preparation of the interim report of the Secretary-General on the implementation of the Programme.

20. The Division has also serviced the Working Group of the Sixth Committee on the United Nations Decade of International Law, originally established pursuant to paragraph 4 of General Assembly resolution 44/23 of 17 November 1989, and whose mandate has been renewed annually since 1991 12/ with a view to preparing generally acceptable recommendations for the Decade. The Division has furthermore been involved in the preparation of the annual reports of the Secretary-General on the Decade. The Codification Division was also mainly responsible for the preparation and organization of the United Nations Congress on Public International Law held in March 1995 in the framework of the United Nations Decade of International Law. It designed the programme of the Congress, both for the plenary meetings and the round-table discussions.

21. In addition, the Codification Division assists in the dissemination of information regarding United Nations work on the codification and progressive development of international law, as well as on some aspects regarding its application.

(b) Activities concerning the law of the sea and ocean affairs: the Hamilton Shirley Amerasinghe Memorial Fellowship

22. The activities of the Division for Ocean Affairs and the Law of the Sea aimed at promoting the acquisition of additional knowledge of the law of the sea and its wider application have been continued by providing training and

assistance, inter alia, through the annual award of the Hamilton Shirley Amerasinghe Memorial Fellowship on the Law of the Sea.

23. The fellowship was launched in accordance with General Assembly resolution 35/116 of 10 December 1980; the programme has as its purpose the advancement of the fellows in their chosen professions or vocations, which would contribute to the development of their countries, and the acquisition by them of additional knowledge on, better understanding of and greater specialization in the fields of study related to the law of the sea, its implementation and marine affairs.

24. The fellowship award enables chosen fellows to pursue postgraduate-level research and training in the field of the law of the sea, its implementation and related marine affairs. Research and study facilities at the postgraduate level are provided for the successful fellows at the participating institutes of higher education. An internship period of three months is provided in the Division for Ocean Affairs and the Law of the Sea, Office of Legal Affairs. The universities participating in the programme are the following: Centre for Ocean Law and Policy, University of Virginia, United States of America; Dalhousie Law School, Halifax, Canada; Graduate Institute of International Studies, Geneva; Marine Policy Center, Woods Hole Oceanographic Institution, Massachusetts, United States; Netherlands Institute for the Law of the Sea, University of Utrecht, Netherlands; Research Centre for International Law, University of Cambridge, United Kingdom; School of Law, University of Georgia, United States; School of Law, University of Miami, United States; School of Law, University of Washington, United States; and William S. Richardson School of Law, University of Hawaii, United States.

25. The guidelines and rules of the Hamilton Shirley Amerasinghe Fellowship on the Law of the Sea set out the application and selection procedures and specify the facilities provided under the programme. These are consistent with the appropriate practices of the United Nations regarding the award of fellowships under the United Nations Programme of Assistance in the Teaching, Study, Dissemination and Wider Appreciation of International Law. 13/

26. Applications are received globally in response to invitations extended through the offices of the resident representatives of the United Nations Development Programme (UNDP) and through the United Nations information centres. The selection of candidates is subject to a two-stage process. The preliminary stage of review of the individual applications and nominations, which are received from Governments, governmental agencies, institutions and bodies, is carried out by the Division for Ocean Affairs and the Law of the Sea in cooperation with the Codification Division of the Office of Legal Affairs. A short list of candidates is drawn up for evaluation by an Advisory Panel.

27. Eight annual awards and one special award have been made since 1986. The awards are made by the Legal Counsel of the United Nations; prior to 1992 they were made by the Special Representative of the Secretary-General for the Law of the Sea. Awards are made on the basis of the recommendation of the Advisory Panel. The Advisory Panel is composed of eight eminent persons in international affairs, the law of the sea and related fields. The Panel is constituted to evaluate the candidates and make recommendations on the most suitable candidate,

with two reserves. It is on the basis of this recommendation that the award is made.

28. The eight annual awards made since the institution of the Fellowship Programme went: in 1986 to a lawyer from the Ministry of Foreign Affairs of Nepal; in 1987 to a lawyer from the Ministry of Foreign Affairs of the United Republic of Tanzania; in 1988, to a Legal Adviser attached to the Ministry of Foreign Affairs of Chile; in 1989, to a State Counsel with the Ministry of Legal Affairs of Trinidad and Tobago; in 1990, to a jurist from the Ministry of Foreign Affairs of Sao Tome and Principe; in 1991, to a lecturer at the Faculty for Maritime and Transportation Studies, University of Rijeka, now Croatia; in 1992, to the Acting Chief of the International Law and Treaty Subdivision, Department of Fisheries of the Ministry of Agriculture and Cooperation of Thailand; and in 1994, to a diplomatic officer attached to the Ministry of External Relations of Cameroon. 14/ The eight annual fellowships awarded since the commencement of the programme have included candidates from nearly all regions of the world.

29. Also in 1994, a special award went to a State Counsel from the Seychelles attached to the Office of the Attorney-General. This special award was made possible by a generous grant of the United Kingdom in the amount of $23,574. The United Kingdom requested that the recipient of the fellowship for the academic year 1995/96 should be chosen from a developing country and should pursue a one-year LLM (master's programme in law) programme or carry out advanced study and research at the graduate level at a university in the United Kingdom followed by an internship period with the Division for Ocean Affairs and the Law of the Sea, Office of Legal Affairs. The Advisory Panel welcomed the contribution. While extending its appreciation to the United Kingdom Government, the Panel expressed the hope that this gesture could be repeated as a reflection of a continuing commitment and urged other countries to consider following the example of the United Kingdom Government.

30. In recent years, the fellowship fund has been reduced to the level where the capital of the fund is being consumed rather than annual income from the fund. This is contrary to the stated objectives at the time the fund was established. The annual fellowships are funded from the interest accrued under the Hamilton Shirley Amerasinghe fellowship fund. This meets the cost of round-trip air travel of the successful fellow from the home country to the educational institution and thereafter to United Nations Headquarters and back to the home country. It also provides a subsistence allowance while at the university and during the internship period with the United Nations, Division for Ocean Affairs and the Law of the Sea, in New York, on the basis of established United Nations rates for fellowships. Under the fellowship programme, the participating universities provide facilities for candidates to pursue academic research and study, free of tuition and related costs.

31. The Advisory Panel has in recent years recommended the most suitable candidate as well as two additional candidates. This is to cover the eventuality that the chosen fellow might be unable to accept the award or that additional funding might be found to grant more than one fellowship in the year concerned. The latter eventuality only materialized in 1994.

32. The Advisory Panel, under the Chairmanship of Professor John Norton Moore, noted that, as in the previous years, the candidates for the 1994 award were all of a very high calibre and recommended that efforts be made to acquire additional funding for fellowships from philanthropic and other institutions and to encourage universities to award fellowships to all finalists in the programme. Along those lines, on the basis of the Panel's endorsement, selected candidates would be designated as "finalists" in consideration for the award and they should be encouraged to use this information in applying directly to universities for fellowship consideration. The Panel also urged the Under-Secretary-General for Legal Affairs, the Legal Counsel, to explore the possibility of increasing the endowment so that the interest earned therefrom would enable them to award more than one fellowship per year.

33. The Advisory Panel will meet later in 1995 to recommend a candidate or candidates for the tenth award. Thereafter the award will be announced by the Under-Secretary-General for Legal Affairs, the Legal Counsel.

(c) Activities concerning international trade law

34. The activities of the United Nations Commission on International Trade Law (UNCITRAL) and its secretariat (International Trade Law Branch of the United Nations Office of Legal Affairs) are designed primarily to acquaint lawyers, government officials and scholars, particularly from developing countries, with the work of UNCITRAL and with the legal texts that have emanated from its work. In doing so, the Secretariat has kept in mind the decision of the Commission at its fourteenth session, in 1981, that a major purpose of the training and assistance activities should be the promotion of texts that have been prepared by the Commission. 15/

35. Since the statement of the Commission at its twentieth session (1987) that "training and assistance was an important activity of the Commission and should be given a higher priority than it had in the past", 16/ the Secretariat has endeavoured to devise a more extensive programme of training and assistance than had been previously carried out.

36. In its resolutions 48/32 of 9 December 1993 and 49/55 of 9 December 1994 on the report of UNCITRAL on the work of its twenty-sixth and twenty-seventh sessions respectively, the General Assembly reaffirmed the importance, in particular for developing countries, of the work of the Commission concerned with training and assistance in the field of international trade law and the desirability for it to sponsor seminars and symposia to provide such training and assistance. The Assembly also expressed its appreciation to the Commission for organizing seminars on international trade law in a number of developing countries. It furthermore appealed to Governments, the relevant United Nations organs, organizations, institutions and individuals to make voluntary contributions to the trust fund for symposia and, where appropriate, to the financing of special projects, and otherwise to assist the secretariat of the Commission in financing and organizing seminars and symposia, in particular in developing countries, and in the award of fellowships to candidates from developing countries to enable them to participate in such seminars and symposia.

37. Set forth below are the main activities undertaken by UNCITRAL and its secretariat in the area of training and assistance during the reporting period.

National seminars on international trade law

38. In view of the relative cost-effectiveness of the national seminars compared to regional seminars, the secretariat recently emphasized the holding of a series of national seminars. In addition, the secretariat has continued to provide technical consultations and assistance to States in the preparation of national legislation based on UNCITRAL's model laws, in particular the UNCITRAL Model Law on International Commercial Arbitration and the UNCITRAL Model Law on Procurement of Goods, Construction and Services. Since the last report of the Secretary-General (A/48/580) the following national seminars were held by UNCITRAL:

- Ulan-Batar, Mongolia (23-24 September 1993), held in cooperation with the Government of Mongolia, and attended by approximately 30 participants;

- Karachi, Pakistan (29-30 September 1993), held in cooperation with the Training Institute of the Customs Authority and the Research Society for International Law, and attended by approximately 35 participants;

- Bishkek, Kyrgyzstan (5-7 October 1993), held in cooperation with the Government of Kyrgyzstan, and attended by approximately 15 participants;

- Buenos Aires, Argentina (20-21 October 1993), held in cooperation with the Government of Argentina, and attended by approximately 130 participants;

- Rio de Janeiro, Brazil (25-26 October 1993), held in cooperation with Candido Mendes University and PETROBRAS, and attended by approximately 65 participants;

- Colombo, Sri Lanka (13-16 September 1993), held within the framework of the biennial conference of the Law Association for Asia and the Pacific (LAWASIA).

- Istanbul, Turkey (25-27 April 1994), held in cooperation with Marmara University and the Union of Turkish Chambers of Commerce, and attended by approximately 50 participants;

- Shanghai, China (27-28 June 1994), held in cooperation with the China International Economic and Trade Commission (CIETAC), and attended by approximately 90 participants;

- Harare, Zimbabwe (1-3 August 1994), held in cooperation with the Office of the Attorney-General, and attended by approximately 70 participants;

- Gaborone, Botswana (8-10 August 1994), held in cooperation with the Office of the Attorney-General, and attended by approximately 50 participants;

- Windhoek, Namibia (12-15 September 1994), held in cooperation with the Office of the Attorney-General, and attended by approximately 50 participants;

- Nairobi, Kenya (12-15 September 1994), held in cooperation with the Office of the Attorney-General, and attended by approximately 60 participants;

- Tbilisi, Georgia (7-9 November 1994), briefing mission held in cooperation with the Ministry of Foreign Affairs;

- Baku, Azerbaijan (11-15 November 1994), briefing mission held in cooperation with the Ministry of Foreign Affairs;

- Yerevan, Armenia (16-18 November 1994), briefing mission held in cooperation with the Ministry of Foreign Affairs;

- Panama City, Panama (17-18 November 1994), held in cooperation with the Chamber of Commerce, and attended by approximately 150 participants;

- Cali, Colombia (21-22 November 1994), held in cooperation with the Chamber of Commerce and the Inter-American Commission of Commercial Arbitration, and attended by approximately 150 participants;

- Tashkent, Uzbekistan (21-23 November 1994), briefing mission held in cooperation with the Ministry of Foreign Economic Relations;

- Prague, Czech Republic (4-5 April 1995), held in cooperation with the Ministry of Industry and Trade, and attended by approximately 70 participants.

Other seminars, conferences and professional meetings

39. Members of the UNCITRAL secretariat participated as speakers in the following seminars, conferences and courses where UNCITRAL legal texts were presented for examination and discussion:

- Twelfth Course of the International Association of Law Libraries (Barcelona, Spain, 17-21 August 1993);

- Pacific Economic Cooperation Council (PECC) Meeting on Harmonization of International Trade Law Instruments (Singapore, 9-10 September 1993);

- First International Conference on Commercial Arbitration in Croatia and Slovenia, sponsored by the Croatian Chamber of Commerce (Zagreb, 8-10 December 1993);

- Worldwide Electronic Commerce: Law Policy and Controls Conference sponsored by the American Bar Association (New York, 17-18 January 1994);

- Thirty-third session of the Asian-African Legal Consultative Committee (AALCC) (Tokyo, 17-21 January 1994);

- "L'échange de données informatisées, Entreprises-Banques" sponsored by Forum du droit et des affaires (Paris, 26-27 January 1994);

- Third Lawyers' Conference (SAARCLAW) of the South Asian Association for Regional Cooperation (SAARC) (New Delhi, 26-27 January 1994);

- "Reforming and Modernizing Procurement Rules", sponsored by the Cairo Regional Centre for International Commercial Arbitration and the International Law Institute of Washington, D.C. (Cairo, 29-31 January 1994);

- International Arbitration Conference, sponsored by EKIURIS Ltd. (Company for Economic and Legal Studies) (Moscow, 31 January-2 February 1994);

- 1994 Annual Survey of Letter of Credit Law and Practice, sponsored by the Institute of International Banking Law and Practice, Letter of Credit UPDATE, and the United States Council on International Banking (New York, 24-25 February 1994);

- Slovak National Seminar in Support of Public Procurement, sponsored by SIGMA, a programme of the Organisation for Economic Cooperation and Development (OECD) and the Slovak Ministry of Transport, Communications and Public Works (Bratislava, 2-3 February 1994);

- United Nations Economic Commission for Europe Working Party on Facilitation of International Trade Procedures (Geneva, 14-18 March 1994);

- Colloquium on Cross-Border Insolvency, co-sponsored by the secretariat of UNCITRAL and the International Association of Insolvency Practitioners (INSOL) (Vienna, 17-19 April 1994);

- Briefings in Support of Public Procurement Legislation, sponsored by the Public Procurement Unit of the Office of the Council of Ministers (Warsaw, 26-27 April 1994);

- Arbitrators Symposium of the London Court of International Arbitration (Budapest, 29 April-1 May 1994);

- Annual Session of the Governing Council of the International Institute for Unification of Private Law (UNIDROIT) (Rome, 8-14 May 1994 and 29 March-1 April 1995);

- Arbitration Conference sponsored by the International Council for Commercial Arbitration (ICCA) and the China International Economic and Trade Arbitration Commission (CIETAC) (Beijing, 22-23 June 1994);

- United Nations/UNITAR Fellowship Programme in International Law (The Hague, 8-12 August 1994);

- Conference on the "Egyptian New Law of Commercial Arbitration: Different Experiences of Adopting the Model Law", sponsored by the Cairo Regional Centre for International Commercial Arbitration (Cairo, 12-13 September 1994);

- Conference on the "New Trends in Maritime Arbitration in the Afro-Asian Region", sponsored by the Cairo Regional Centre for International Commercial Arbitration (Alexandria, Egypt, 14-15 September 1994);

- Forum on Ukrainian Law and Public Procurement, sponsored by the International Trade Centre (ITC) (Kiev, 18-22 September 1994);

- United Nations Economic Commission for Europe Working Party on Facilitation of International Trade Procedures (Geneva, 19-23 September 1994);

- Thirteenth Course - International Commercial Arbitration and Law Libraries, sponsored by the International Association of Law Libraries and Martinus Nijhoff Publishers (The Hague, 26-29 September 1994);

- Arbitration Symposium of the London Court of International Arbitration, Asia/Pacific Users Council (Sydney, Australia, 5-7 October 1994);

- International Bar Association Twenty-fifth Biennial Conference (Sydney, Australia, 8-15 October 1994);

- Regional Trade Law Seminar of the Attorney-General's Department of Australia (Melbourne, 18-19 October 1994);

- International Entry Course on Arbitration, sponsored by the Chartered Institute of Arbitrators (Bahrain, 25-27 October 1994);

- International Entry Course on Arbitration, sponsored by the Chartered Institute of Arbitrators (Harare, 28-30 November 1994);

- World Intellectual Property Organization (WIPO) Arbitration Conference (Geneva, 19-20 January 1995);

- United Nations Economic Commission for Europe Working Party on Facilitation of International Trade Procedures (Geneva, 20-24 March 1995);

- Regional Conference of the Americas, sponsored by the International Association of Insolvency Practitioners (INSOL) (Toronto, Canada, 22-24 March 1995);

- Willem C. Vis International Commercial Arbitration Moot, organized by the Institute of International Commercial Law of Pace University School of Law, New York (Vienna, 22-26 March 1995);

- Dynamic Asia Conference, sponsored by the International Chamber of Commerce (ICC) (New Delhi, 27-28 March 1995);

- International Seminar on Globalization and Harmonization of Commercial/Arbitration Laws (New Delhi, 31 March-1 April 1995);

- International Trade Law Postgraduate Course sponsored by the International Training Centre of the International Labour Organization (ILO) and the University Institute of European Studies (Turin, Italy, 11-12 April 1995);

- Thirty-fourth session of the Asian-African Legal Consultative Committee (AALCC) (Doha, 17-22 April 1995).

40. The internship programme was continued. During the past two years the secretariat received nine interns.

Sixth UNCITRAL Symposium on International Trade Law (Vienna, 22-26 May 1995)

41. The secretariat organized the Sixth UNCITRAL Symposium on International Trade Law on the occasion of the twenty-eighth session of the Commission. The symposium was designed to acquaint young lawyers with UNCITRAL as an institution and with the legal texts that have emanated from its work. As was the case at previous symposia, lecturers were invited primarily from delegations to the Commission session and from the secretariat. The travel and subsistence costs of 23 participants from Africa, Asia, Eastern Europe and Latin America were paid from the UNCITRAL Trust Fund for Symposia. In addition, 65 individuals attended without such financial assistance. In order to save on the costs of interpretation and to be able to increase the communication between participants themselves, the symposium was held in English and French only.

Consideration by UNCITRAL of the subject of the teaching, study, dissemination and wider appreciation of international trade law

42. UNCITRAL considered this subject at its twenty-seventh and twenty-eighth sessions. In the reports on the work of those sessions, 17/ the Commission noted the training and assistance activities undertaken during the reported years as well as possible future activities in this area.

43. The Commission noted that growing awareness of the UNCITRAL legal texts in many countries, in particular developing countries and newly independent States, had resulted in increased requests for training and technical assistance from individual Governments or regional organizations. It also noted that technical assistance was provided to States preparing legislation based on UNCITRAL model

laws in the areas of international commercial arbitration, procurement and international credit transfers. For the remainder of 1995, seminars and legal-assistance briefing missions were planned in Africa, Asia, Latin America and Eastern Europe. However, because of the across-the-board suspension of official travel on behalf of the Organization, those plans have been cancelled. In addition, as it had done in recent years, the secretariat agreed to co-sponsor the next three-month International Trade Law Postgraduate Course to be organized by the University Institute of European Studies and the International Training Centre of the International Labour Organization in Turin.

44. The Commission noted with approval that the secretariat had taken steps to obtain cooperation and coordination with other agencies, both within and outside the United Nations system, in the provision of training and technical assistance in the field of international trade law. It also noted reports that there apparently was an increase in attention being paid by States to law reform relating to international trade, as well as a degree of increasing attention by bilateral and multilateral development agencies, including other parts of the United Nations system, to the importance of the harmonization and modernization of commercial law.

45. The Commission expressed its appreciation and renewed its call for continued and increased cooperation and coordination among entities providing legal assistance with a view to ensuring that, when United Nations system entities, such as the United Nations Development Programme and the International Bank for Reconstruction and Development, or outside entities, are involved in providing legal technical assistance, the legal texts formulated by the Commission and recommended by the General Assembly to be considered are in fact so considered and used.

46. The Commission noted that the ability of the secretariat to implement training and technical assistance plans was contingent upon the receipt of sufficient funds in the form of contributions to the UNCITRAL Trust Fund for Symposia, as well as on the provision to the secretariat of the necessary human resources, which was not currently the case. In the current situation, the demand for training and technical assistance with respect to UNCITRAL legal texts and the need to promote the use of those texts remained to a significant extent unfulfilled. It was noted that no funds for the travel of participants and lecturers had been provided for in the regular budget. As a result, expenses had to be met by voluntary contributions to the UNCITRAL Trust Fund for Symposia, which remained at an insufficient level.

47. In order to facilitate contributions to the UNCITRAL Trust Fund for Symposia, the Commission decided to request that it be placed on the agenda of the pledging conference taking place within the framework of the General Assembly session, on the understanding that that would not have any effect on the obligation of a State to pay its assessed contribution to the Organization.

48. It was noted that contributions made to the UNCITRAL Trust Fund for Symposia on a multi-year basis were of particular value, because they permitted the secretariat to plan and finance the programme without the need to solicit funds from potential donors for each individual activity. Such a contribution has been received from Canada. In addition, contributions from Austria,

Denmark, France, Pakistan and Switzerland have been used for the seminar programme. The Commission expressed its appreciation to those States and organizations that had contributed to the Commission's programme of training and assistance by providing funds or staff or by hosting seminars. The Commission also renewed its call that it be provided with the human resources to meet the need for its training and technical assistance activities.

3. Cooperation with other organizations

49. Several international organizations and institutions 18/ have continued to participate as observers in various meetings of United Nations bodies dealing with the progressive development of international law and its codification. For instance, such international organizations and institutions participate as observers in the work of the Sixth Committee of the General Assembly, the International Law Commission, UNCITRAL and other committees created for the purpose of drafting international instruments. It is also to be noted that, on 27 October 1994, a joint meeting of the members of the Asian-African Legal Consultative Committee and the legal advisers of the permanent missions of Member States to the United Nations in New York was held in cooperation with the Secretariat to discuss a number of topics of mutual interest.

4. Publicity

(a) United Nations Treaty Series

50. The Treaty Section of the Office of Legal Affairs is actively pursuing its programme of computerization of its treaty database. Funding was approved for the 1994-1995 biennium by the General Assembly to convert the text of the Treaty Series to optical disk. It is proposed to provide on-line access to this collection to Member States and others. This task will be completed by the end of 1995, and once the optical disk system is in place material which is registered but not yet published will also be added onto it.

51. The publication Multilateral Treaties Deposited with the Secretary-General, Status as at 31 December 1994, was published for the first time simultaneously in English and in French in April 1995 and continues to be updated on a daily basis. It is contained in an electronic database and currently being tested for on-line access through Internet by Member States and other users. It is proposed to provide on-line access by November 1995. Hard-copy volumes of the above publications and the cumulative index to the Treaty Series (currently up to volume 18) are continuing to be published at an accelerated rate. The Treaty Series would be available on-line once the appropriate electronic medium is determined.

(b) United Nations Juridical Yearbook

52. Publication of the United Nations Juridical Yearbook has been resumed after an interruption owing to the financial crisis. The 1982, 1983, 1984, 1985, 1990 and 1986 editions appeared in 1989, 1990, 1991, 1992, 1993 and 1994 respectively; the 1987, 1991 and 1992 editions are in press. The calendar of

production of subsequent editions provides for the submission of the 1993 edition by the end of 1995 and the 1988, 1989 and 1994 editions in 1996. This calendar, under which work proceeds simultaneously at both ends, will make it possible to bridge the gap and eliminate the backlog by the end of 1996, while at the same time keeping readers of the Yearbook abreast of contemporary developments.

(c) United Nations Reports of International Arbitral Awards

53. The Codification Division of the Office of Legal Affairs has prepared volumes 20 and 21 of the United Nations Reports of International Arbitral Awards. Volume 20 of this publication, containing three arbitral awards, has recently been issued. The manuscript of volume 21, again containing three arbitral awards, is also in press.

(d) Other forms of publicity

54. The Codification Division has prepared the fifth edition of The Work of the International Law Commission, which is now in press. In accordance with the programme of activities for the third term (1995-1996) of the Decade, approved by the General Assembly in its resolution 49/50, the Division has undertaken the updating of the publication Summaries of the Judgments, Advisory Opinions and Orders of the International Court of Justice (1949-1991). The Codification Division is furthermore in the process of compiling the proceedings of the United Nations Congress on Public International Law (1994) for publication. Mention should also be made in this context of the UN Chronicle, which frequently includes information on the current legal activities of the United Nations. 19/ The Division for Ocean Affairs and the Law of the Sea published a legislative history of the provisions of the United Nations Convention on the Law of the Sea having to do with marine scientific research (art. 246 of the Convention); 20/ a compilation of practice of States at the time of entry into force of the Convention; 21/ compilation of national legislation on the territorial sea, the right to innocent passage and the contiguous zone; 22/ the Law of the Sea Bulletin (updating information relating to the law of the sea and marine affairs including national legislation, bilateral and multilateral treaties, and the decisions of international courts and arbitral tribunals); The Annual Review of Ocean Affairs 1994 23/ and the annual selected bibliography on the law of the sea. 24/

5. Distribution of United Nations legal publications

55. Pursuant to paragraph 133 of the 1993 report of the Secretary-General on the Programme of Assistance (A/48/580) and paragraph 1 of General Assembly resolution 48/29 authorizing its implementation, copies of United Nations legal publications issued during 1994 and 1995 have been provided to the institutions in developing countries that have been receiving such publications under the Programme and to other institutions in a number of countries, in particular in the developing countries, for which requests for such publications have been made by the Member States concerned. 25/ The International Court of Justice continued to provide copies of its publications to institutions receiving assistance under the Programme. In this connection, the Court has reported

that, in the recent past, it has substantially increased the number of universities and institutions, particularly from developing countries, receiving its publications on a regular basis. 26/ Furthermore, the Court has included in its free distribution list United Nations information centres recently established in some developing countries. 27/

6. Fellowships offered at national institutions

56. In the past the United Nations Secretariat has publicized fellowship offers for the study of international law at national institutions. No offer was however received during 1994 and 1995.

7. International Law Fellowship Programme

57. In paragraph 2 (a) of its resolution 48/29, the General Assembly authorized the Secretary-General to award a number of fellowships in both 1994 and 1995, to be determined in the light of the overall resources for the Programme of Assistance and to be awarded at the request of Governments of developing countries. On the basis of that resolution, 18 fellowships were awarded in 1994 and again in 1995.

58. Up to 1992, the operational costs of the Programme were shared between the Office of Legal Affairs and UNITAR. The fellowships themselves (travel expenses and per diem) were financed partly from the budgetary allocation for the Programme of Assistance and partly from a trust fund of voluntary contributions earmarked for the Programme, whereas the expenses related to organizational staff and lecturers were borne by UNITAR. In 1993, however, the General Assembly, in paragraph 5 of its resolution 47/227 of 8 April 1993, on the "United Nations Institute for Training and Research", decided "that the funding of training programmes held at the specific request of States Members of the United Nations and members of other United Nations system organs and specialized agencies should be arranged by the requesting parties". On the basis of that paragraph, all aspects of the International Law Fellowship Programme, including expenses related to organizational staff and lecturers, had to be financed by the Office of Legal Affairs.

59. As a result, most of the budgetary allocation for the Programme of Assistance went to cover the costs of the Fellowship Programme. Furthermore, since no voluntary contributions were received towards the financing of UNITAR regional refresher courses and no State offered to host and finance them, no such courses could be organized by UNITAR during 1994 and 1995.

60. The objectives of the International Law Fellowship Programme are to enable qualified persons from developing countries, in particular mid-level government legal officers and young teachers of international law, (a) to deepen their knowledge of international law, particularly of those questions of special interest to developing countries; (b) to have an opportunity for frank and informal exchanges of views on legal problems of common interest or of special concern to their respective countries; and (c) depending on the financial resources available to the fellowship programme in any given year, to acquire

practical experience of the legal work of the United Nations and its associated agencies.

61. The criteria applied in the selection of candidates are the following: qualifications of individual applicants; needs of their respective countries; potential applicability in their normal fields of work of the benefits obtained from the fellowship; preference to candidates from countries whose nationals have not been awarded a fellowship in immediately preceding years; preference to the poorest among developing countries and to those which have recently gained independence; and equitable representation of males and females.

62. It has been the policy to accept applications for the International Fellowship Programme from developing countries where there is a UNDP field representation. UNDP now has also established offices in the countries of Eastern and Central Europe as well as in the newly independent States of Central Asia whose economies are in transition. It is intended to extend the benefit of the Programme to those countries as well.

63. For the 1994 and 1995 fellowship programmes, 87 and 158 applications respectively had been received by the closing dates.

64. The fellows selected in 1994 were from Burundi, China, Congo, Cuba, Ghana, Guinea, Guyana, Indonesia, Iran (Islamic Republic of), Mauritius, Mongolia, Nigeria, Pakistan, Suriname, Thailand, Trinidad and Tobago, Venezuela and Zaire. An observer from Australia also participated in the course. The fellows selected in 1995 were from Argentina, Bhutan, Brazil, Burkina Faso, Chile, Comoros, Egypt, Malawi, Maldives, Mali, Myanmar, Niger, the Palestinian National Authority, Paraguay, Republic of Korea, Saint Kitts and Nevis, Tunisia and Turkey. Four observers from Japan, Nicaragua and the Palestinian National Authority also participated in the course.

65. As in previous years, the Fellowship Programme offered the following three schemes:

(a) Attendance for six weeks at the lectures at the Hague Academy of International Law and the UNITAR special seminars as in scheme (c) below, followed by a three-month practical training period in the Office of Legal Affairs of the United Nations Secretariat or in the legal departments of the various United Nations bodies or specialized agencies;

(b) Attendance for six weeks at the lectures at the Hague Academy of International Law and the UNITAR special seminars as in scheme (c) below, and participation in the Geneva International Law Seminar, organized by the Office of Legal Affairs in conjunction with the annual session of the International Law Commission;

(c) Attendance for six weeks at the annual lectures in private and public international law at the Hague Academy of International Law and participation in the special lectures and seminars organized by UNITAR held concurrently with the Academy's lectures.

66. The participants in the 1994 and 1995 programmes have been awarded fellowships under scheme (c) above.

67. The study programme at The Hague comprised, in addition to the series of lectures on private and public international law given at the Academy, an intensive programme of seminars and exercises specially organized by UNITAR for the benefit of the fellows.

68. In 1994, the Hague Academy courses included the following topics:

(a) Under private international law:

(i) General course;

(ii) Non-unified legal systems in present private international law;

(iii) Public policy in arbitral awards;

(iv) Impact of international conventions on private international family law;

(v) Maintenance obligations in the conflict of laws;

(vi) Contributing to progressive development of private international law: the United States approach;

(vii) Recent developments in bilateral treaties on investment protection;

(viii) Leasing and similar institutions under private international law;

(b) Under public international law:

(i) General course;

(ii) Liability for acts not prohibited by international law and protection of the environment;

(iii) State sovereignty and the international protection of minorities;

(iv) Reactions by not directly affected States to breaches of public international law;

(v) Evolution of the sources of international investment law;

(vi) Exercise of enforcement jurisdiction at sea;

(vii) The legal position in international law of heads of State, prime ministers and foreign ministers.

69. In 1995, the Hague Academy courses included the following topics:

(a) Private international law:

(i) Cultural identity and integration: postmodern private international law;

(ii) The principle of nationality in contemporary private international law;

(iii) Role of substantive policies in the formation and application of choice of laws;

(iv) Conflicts of jurisdiction and conflicts of laws in an integrated economic area: the experience of the European Community;

(v) Extinctive prescription in private international law;

(vi) Perspectives from international economic law on transnational environmental issues;

(vii) The reasonable expectations of the parties to the choice of law in contract and in tort;

(viii) The institution of the trust in civil and common law;

(b) Public international law:

(i) International law at the fiftieth anniversary of the United Nations;

(ii) Resource conservation and management in the Antarctic;

(iii) The nuclear non-proliferation regime: assessment and prospects;

(iv) Emergence of the rule of law as a principle of international law;

(v) Bilateralism and community interest in international law;

(vi) Recent aspects of State succession;

(vii) Intervention in the proceedings of the International Court of Justice.

70. In 1994, the special seminars organized by UNITAR 28/ covered the following topics:

(a) International financial law: legal aspects of debt management;

(b) International economic law;

(c) International humanitarian law;

(d) The law of treaties;

(e) United Nations peace-keeping and conflict resolution;

(f) Codification of international law: general process; international criminal jurisdiction; reservation to treaties;

(g) International environmental law;

(h) Law of the sea;

(i) International refugee law;

(j) Arbitration in international law;

(k) Human rights law.

71. In 1995, some reforms were introduced in the seminars organized by UNITAR to enhance the substantive and academic quality of the programme. The special seminars organized for 1995 29/ covered the following topics:

(a) The World Trade Organization (WTO) and the multilateral trading system;

(b) United Nations peace-keeping and conflict resolution;

(c) International environmental law;

(d) International humanitarian law;

(e) Human rights law;

(f) Refugee law;

(g) Law of the sea;

(h) Practice and procedures of multilateral negotiations.

72. In 1994, UNITAR also arranged introductory seminars on the work of the International Court of Justice, as well as study visits to the Permanent Court of Arbitration and the Houses of Parliament of the Netherlands.

73. In 1995, UNITAR arranged the following briefings and study visits:

- International Court of Justice (briefing and study visit);
- Permanent Court of Arbitration (briefing);
- Iran-United States Claims Tribunal (briefing and study visit);
- International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991 (attendance of a hearing);

- Preparatory Commission for the Organization for the Prohibition of Chemical Weapons (briefing and study visit).

74. In 1995, in addition to these core elements of the programme, participants also had the opportunity to attend a series of panel sessions given on the occasion of the Conference on Contemporary International Law Issues. The Conference was jointly organized by the American Society of International Law and the Dutch Association of International Law and was held in Scheveningen, near The Hague. The organizers of the Conference allowed the participants to attend free of charge.

B. Activities of the United Nations Institute for Training and Research

75. In addition to participating in the implementation of the International Law Fellowship Programme, as referred to in section A (7) above, UNITAR has carried out a number of other activities related to the teaching, study, dissemination and wider appreciation of international law.

United Nations Environment Programme/UNITAR training in environmental law and policy, in association with the United Nations Centre for Human Settlements (Habitat) (Nairobi, 1994-1995)

76. The objective of this programme is to provide the participants with information and training on the legal and institutional developments at the international and national levels in the field of environmental law. Its aim is to inspire a greater interest in and commitment to the use of environmental law as an instrument for translating sustainable development policies into action. The programme enables participants to take initiatives, on a more informed basis, in their respective home countries for the development and implementation of environmental law at the international and national levels.

77. This three-week training programme is specifically designed to respond to the needs of developing countries. The methodologies applied require active involvement of the participants with a view to promoting the achievement of tangible results. It covers an introduction to environmental law, a detailed examination of major global and regional environmental conventions (including those on climate change, biological diversity, the ozone layer and movement of hazardous wastes), an analytical survey of national legislative and institutional regimes adopted by various countries for environmental management and an overview of new developments in environmental law and institutions in respect of subjects such as environment and trade, liability and restitution, transfer of technology, environmental problems of human settlements and land use.

78. The training programme is conducted by experts from the United Nations Environment Programme (UNEP) and other United Nations bodies and agencies, representatives of environmental convention secretariats, the World Bank, the International Union for Conservation of Nature and Natural Resources and by several other experts in the field of environmental law and policy.

79. The first seminar on the subject was held in December 1993 and the second in April 1995.

Training on legal aspects of debt and financial management (many States in Africa and Asia, 1994-1995)

80. UNITAR's training programme in debt and financial management seeks to provide training in legal aspects of debt and financial management. A range of subregional seminars and targeted in-depth follow-up workshops (along with institutional-building measures) will be implemented in the participants' countries to sensitize senior officers, middle-level managers, law professors and lawyers in legal aspects of debt management and/or give them training in this area. The training programme will also establish facilities in selected countries to provide training on a continuing basis, both nationally and subregionally.

81. The objective of these seminars is to focus on the legal elements in the overall process of international loan negotiations and to deal in particular with those clauses in a loan agreement which are most relevant to the borrower and on which improvements can be sought in its favour.

82. Present activities in the field of debt management encompass a number of diversified training components of several technical assistance programmes. There is, however, a clear need for broader and more coherent programmes focusing exclusively on specific aspects of debt management. This was clearly pointed out in the debt management consultation meeting convened by UNDP in New York.

83. In 1994-1995 UNITAR held a number of such courses in countries of Sub-Saharan Africa and North and South Asia and the newly independent States of Central Asia. Participants in UNITAR-sponsored workshops on a number of occasions also drafted sets of recommendations for sound legal practice in debt management, inviting those to whom they were addressed to involve lawyers to a larger degree. An appeal was addressed to lawyers to join efforts in persuading those concerned that their respective countries' interests would be better served by systematic involvement of lawyers in debt management. There was nothing revolutionary in what had been proposed repeatedly, merely the suggestion that borrowers in the developing countries should do what lenders have always done: involve lawyers at every step, bring them out of their offices to the front line and involve them in the negotiation process.

84. Further in-depth workshops in other subregions are also being considered as there are a number of projects in the pipeline awaiting donor approval. UNITAR has expanded training activities to the newly independent States of Central Asia, thanks to the financial support of the Swiss Federal Office for Foreign Economic Affairs and the Irish Government.

UNITAR-International Peace Academy fellowship programme in peacemaking and preventive diplomacy (Schlaining, Austria, 1994-1995)

85. The fellowship programme offers advanced training in conflict analysis, negotiation and mediation to international and national civil servants who wish

to learn or refine these skills. It is based on the latest knowledge in the field and is taught by distinguished and expert faculty from both academic and applied settings, including current and former staff of the United Nations Secretariat.

86. The programme is available to middle- and senior-level Professional staff from the substantive departments and agencies of the United Nations, staff from regional organizations, diplomatic staff from foreign ministries and relevant personnel from non-governmental humanitarian organizations.

87. The fellowship programme is offered in two parts to allow participants to choose the type and duration of training that they require. The core programme is a two-week in-depth programme which includes: (a) a framework for understanding and analysing international disputes and their resolution; (b) an analysis of case-studies to allow participants to grapple with the complexities of applying conflict resolution methods to real-life international conflict situations; and (c) skills training so that participants can have the opportunity to practise the skills needed for effective peacemaking and preventive diplomacy.

88. An extended programme is offered to participants who wish to undertake more in-depth training. It involves an individual case-study in which participants select a recent or ongoing conflict situation and review and evaluate attempts to resolve it.

89. The specific objectives of the programme are:

(a) To offer participants an opportunity to review and update their knowledge and skills in dispute resolution;

(b) To encourage a systematic approach to disputes and dispute resolution;

(c) To provide an in-depth understanding of the processes of conflict escalation and de-escalation;

(d) To increase appreciation of the need to understand disputes within their unique cultural, historical and political context;

(e) To allow participants to sharpen their skills in political and conflict analysis;

(f) To enable participants to be maximally effective in structuring negotiation and mediation;

(g) To enhance participants' ability to identify the parties' motivations and interests and to invent innovative solutions based on interests.

90. A longer-term - but also important - goal is to develop an institutional capacity for debriefing and retrieval of United Nations practices and experience in peacemaking and preventive diplomacy in order to strengthen the potential of the United Nations for institutional learning and memory. Case material presented by staff and assembled by fellows will serve as the basis for further

research and study to develop a collection of case histories which document important lessons and issues. The goal will be to develop a repository of knowledge for use within the fellowship programme and, more widely, within the United Nations and the international community as a whole. Development of materials, such as a case handbook on peacemaking and preventive diplomacy, is planned.

Workshop on procedures for the settlement of trade disputes at the World Trade Organization (Geneva, 1994-1995)

91. A basic knowledge of international economic law, including the procedures for the settlement of economic disputes, is an important asset in multilateral negotiations. The objective of this workshop is to explain dispute settlement procedures, including conciliation and arbitration, which are used in WTO. The training event proceeds from an explanation of the institutional structure of WTO and its basic rules to a descriptive analysis of the processes used to resolve trade disputes within the framework of WTO. One session is devoted to a simulation exercise aimed at familiarizing participants with the work of a panel of experts. The workshop is organized in English and French for members of permanent missions accredited to the United Nations at Geneva and, on request, in developing countries.

Promotion of cooperation in environment: development negotiations (Rychory, Czech Republic, 1994)

92. Within this programme, one training module deals with negotiations and dispute resolution. It provides training on negotiation skills that promote mutual gain and consensus. The programme seeks to improve the way in which countries negotiate environmental issues with each other (bilaterally and multilaterally) and how individual countries resolve local environment/development disputes through the promotion of alternative dispute resolution processes and better negotiating skills.

Publications

93. The World Court: What it is and How it Works. UNITAR has just published the fifth, entirely revised edition of Professor Shabtai Rosenne's comprehensive study on the structure and functioning of the International Court of Justice. The book not only provides extensive background on the origins and composition of the Court but also deals with its day-to-day work in terms of jurisdiction and procedure, offering a complete overview of the cases dealt with. Particular emphasis is put on the manner in which a case is tried, taking into account the latest Rules of Court, covering "almost every conceivable issue likely to be encountered in modern litigation before the International Court".

94. UNITAR Case Study Workshop Package on Negotiation of a Multilateral Loan. This training package is addressed to trainers and can be used to develop three- to five-day workshops on the theory and practice of negotiation of the legal elements with multilateral financial institutions. The specific aim of the package is to introduce participants to loan negotiation with multilateral agencies. In addition, it familiarizes participants with the procedures and practices of these agencies, highlights the basic underlying legal arrangements

between their countries and such agencies, helps them distinguish between what is and what is not negotiable and guides them in how such negotiations are most effectively conducted.

95. The United Nations as a Dispute Settlement System: Improving Mechanisms for the Prevention and Resolution of Conflict. The coordination of the UNITAR/Peace Academy Fellowship Programme in Peacemaking and Preventive Diplomacy was given an 18-month grant by the Ford Foundation to carry out research on the topic of "The United Nations as a Dispute Settlement System: Improving Mechanisms for the Prevention and Resolution of Conflict". The project involved a review of the causes of contemporary disputes and dispute escalation, an analysis of the mechanisms available within the United Nations system for preventing and resolving disputes and proposals for making the system more effective. A number of specific suggestions also were made for strengthening pre-conflict peace-building and preventive diplomacy. The project was written as a book manuscript and publication is pending.

C. Activities of the United Nations Educational, Scientific and Cultural Organization

96. The contribution of the United Nations Educational, Scientific and Cultural Organization (UNESCO) to the United Nations Programme of Assistance in the Teaching, Study, Dissemination and Wider Appreciation of International Law is part of major programme area V (Social and human sciences: contribution to development, peace, human rights and democracy), and more particularly of subprogramme V.2.1 (Research for the promotion of peace, human rights and democracy) of UNESCO's 1994-1995 programme budget, which states that "reflection on the increasing role of human rights in international relations, as well as on new perspectives in the field of human rights, international law and humanitarian law (such as the 'right to be assisted'), will be promoted through a series of studies and an international workshop organized in cooperation with the United Nations as a contribution to the United Nations Decade of International Law".

97. With regard to standard-setting, the UNESCO Executive Board considered at its one hundred forty-fifth session in 1994 the question of the drafting of a declaration on the rights of future generations, which would be adopted by the General Conference at its twentieth session as a contribution to the commemoration of the fiftieth anniversary of the United Nations and of UNESCO.

Publications

98. UNESCO has published a compendium entitled Human Rights: Principal International Instruments (as of 31 May 1994), 30/ which lists the States parties to the human rights instruments. This list includes the instruments adopted by the United Nations, its specialized agencies and the other universal and regional bodies.

99. Mention should also be made of the Russian-language version of La Déclaration universelle des droits de l'homme - 45e anniversaire 1948-1993,

which was published in French on the fortieth anniversary of the Declaration in 1988. The English-language version is being prepared.

100. The World Directory of Teaching and Research Institutions in International Law 31/ is the outcome of the efforts which UNESCO has been making since 1986 to encourage the study of international law. It contains a total of 578 entries for 90 countries. It should also be noted that the Regional Bureau for Asia and the Pacific in Bangkok has been publishing since 1986 a booklet entitled International Law: News and Information from Asia and the Pacific, which gives information about international law research, teaching and international law issues in the region.

The UNESCO Chairs of human rights education

101. There are now a number of UNESCO Chairs of human rights education established on the basis of agreements concluded with the organization. For example:

(a) The Chair at the University of La Laguna, Tenerife, Spain, established in 1991, is concerned specifically with peace, development and democracy. The content of the research conducted under the auspices of the Chair is being expanded to include human rights;

(b) The Chair at Comenius University, Bratislava, Slovakia, is concerned with human rights education. Under paragraph 2 of the agreement signed with UNESCO in 1992, the objective of the Chair is to promote an integrated system of research, training, information and documentation activities in the area of human rights education. It will help to facilitate subregional and regional collaboration among high-level researchers and teachers of international standing and the University's staff of researchers and teachers and will make a significant contribution to ensuring that the work and activities of the UNESCO Centre for Human Rights Education are mentioned in teaching materials;

(c) The main objective of Venezuela's peripatetic Chair of human rights, established in 1992, is to establish a pilot project on human rights education involving five Venezuelan universities;

(d) The Chair at the Nicolas Copernicus University, Torun, Poland, was created in 1993. The agreement establishing it states that:

(i) The Chair shall be an instrument for facilitating subregional and regional collaboration between high-level, internationally recognized researchers and teachers and the research and teaching staff of the University and high-level, internationally recognized researchers and lecturers from other countries;

(ii) An important area of activity of the Chair shall be the progressive development of a nationwide system of permanent education for democracy and peace through human rights, including the elaboration of special educational programmes for members of such services as the army, the police, penitentiary personnel, the teaching profession, public administration, the judiciary, etc.

102. The 1994-1995 programme budget provides for the establishment of new UNESCO Chairs of human rights education and for the strengthening of the existing network.

103. A number of UNESCO Chairs were established in 1994: UNESCO Chair for Human Rights and Democracy at the Moscow State Institute of International Relations for Foreign Affairs of the Russian Federation and the Moscow Independent Institute of International Law, Russian Federation; UNESCO Chair for Civic Education, Sofia University, Bulgaria; UNESCO Chair for Education for Human Rights and Democracy at Addis Ababa University; UNESCO Chair for Democracy and Human Rights at the Faculty of Law, University of Namibia.

104. UNESCO has received proposals for the establishment of such Chairs from various universities in different countries around the world.

D. Other activities reported by States and international organizations concerning the teaching, study, dissemination and wider appreciation of international law pursuant to General Assembly resolution 49/50

105. The reports of the Secretary-General to the General Assembly at its forty-ninth and fiftieth sessions on the agenda item entitled "United Nations Decade of International Law" 32/ contained an analytical compilation of other activities reported by States and international organizations carried out in implementation of chapter IV of the programme of activities for the second and third terms (1993-1994 and 1995-1996) of the Decade under General Assembly resolutions 47/32 and 49/50, concerning the teaching, study, dissemination and wider appreciation of international law.

106. Those activities have been grouped under eight headings, which correspond by and large to the substance of the various paragraphs contained in chapter IV of the programme of activities for the second and third terms of the Decade. The headings are: promotion of the United Nations Programme of Assistance in the Teaching, Study, Dissemination and Wider Appreciation of International law; promotion of the teaching of international law for students and teachers at schools and at higher education levels and international cooperation for that purpose; organization of and participation in international and regional seminars and symposia for experts on international law; training in international law for legal professionals and government officials organized by States and international organizations; publication of the practice of States and international and regional organizations in the field of international law; publication by States and international organizations of international legal instruments and legal studies; wider publication of the judgements and advisory opinions of international courts and tribunals and summaries thereof; and publication by international organizations of treaties concluded under their auspices, publication of the United Nations Treaty Series and the United Nations Juridical Yearbook.

107. Consequently, chapter II.D of the above-mentioned reports should be considered an integral part of the present report.

III. GUIDELINES AND RECOMMENDATIONS REGARDING EXECUTION OF THE PROGRAMME IN THE BIENNIUM 1996-1997 WITHIN THE FRAMEWORK OF THE UNITED NATIONS DECADE OF INTERNATIONAL LAW

A. General observations

108. One of the main purposes of the United Nations Decade of International Law, as defined in General Assembly resolution 44/23 and reaffirmed in subsequent resolutions, 33/ is the encouragement of the teaching, study, dissemination and wider appreciation of international law. In paragraph 17 of General Assembly resolution 48/29, the Assembly requested the Secretary-General to report to the Assembly at its fiftieth session on the implementation of the Programme during the period 1994-1995 and, following consultations with the Advisory Committee, to submit recommendations regarding the execution of the Programme in subsequent years.

109. The paragraphs below contain the guidelines and recommendations requested by the General Assembly in the above-mentioned resolution. In formulating such guidelines and recommendations, account has been taken of the fact that, while developing and systematizing the objectives of the United Nations Decade of International Law, the above-mentioned resolutions did not provide new budgetary resources for the teaching, study, dissemination and wider appreciation of international law, but relied, instead, on financing such activities from the existing overall level of appropriations and voluntary contributions from States.

110. Therefore, in substance, the paragraphs below recommend that the United Nations and other agencies continue the present activities under the programme and develop and expand them if new funds become available through the above-mentioned sources. New activities should only be undertaken if the overall level of appropriations or voluntary contributions from States make them possible. States should be encouraged to continue implementing the objectives relating to the teaching, study, dissemination and wider appreciation of international law which the programme for the Decade devolves upon them and should report to the Secretary-General any further development in this area.

B. Activities of the United Nations

111. Geneva International Law Seminar. It is expected that, if sufficient voluntary contributions from States continue to be made, new sessions of the Seminar will be held in 1996 and 1997 in conjunction with those of the International Law Commission. Scheduling of the sessions of the Seminar should be done in such a way as to make it possible to provide the Seminar, from within existing resources, with adequate services, including interpretation as required. In connection with the organization of the Seminar, attention is also drawn to paragraph 13 above.

Activities of the Office of Legal Affairs

112. Public international law and other activities. During the biennium 1996-1997, the Office of Legal Affairs and its Codification Division are expected to

continue performing the various functions connected with the goals of the Programme, as described in the present report, namely, participation in the International Law Fellowship Programme; the training of interns; lecturing on international law topics; secretariat functions to the Advisory Committee and to the Sixth Committee on the item concerning the United Nations Programme of Assistance; and dissemination of information regarding the codification and progressive development of international law and the United Nations Decade of International Law. With regard to the training of interns, the Advisory Committee recommends that the internship programme be given adequate publicity. It further recommends that geographical distribution be duly borne in mind in selecting interns and that, at the same time, existing possibilities be fully taken advantage of, irrespective of nationality.

113. Activities concerning the law of the sea and ocean affairs; the Hamilton Shirley Amerasinghe Memorial Fellowship. It is expected that, nine fellowships having already been awarded during the past nine years, the Office of Legal Affairs will continue to award at least one fellowship annually, in accordance with the rules and guidelines referred to in paragraphs 23 to 26 above. In this connection, however, attention is drawn to paragraphs 30 to 32 above.

114. Activities concerning international trade law. The steps to promote training and assistance in international trade law are of particular concern to developing countries. The Secretary-General, through the International Trade Law Branch of the Office of Legal Affairs, will take the requisite action during the biennium 1996-1997 in order to implement the recommendations addressed to him in this regard by UNCITRAL and the General Assembly.

115. Publicity. It is expected that the United Nations Secretariat will continue its efforts to reduce the backlog of the United Nations Treaty Series and of the United Nations Juridical Yearbook in accordance with the plan of action referred to in paragraphs 50 to 51 above. Efforts should also be continued by the United Nations Secretariat to ensure the regular inclusion in the UN Chronicle of matters of legal interest.

116. Provision of United Nations legal publications. Copies of United Nations legal publications issued during 1996-1997 will be provided to the institutions in developing countries that have been receiving such publications under the Programme and to other institutions in the developing countries for which requests for such publications are made by the Member States concerned. Each new request shall be reviewed on its own merits and the availability of the legal publication in question shall also be taken into account.

117. Fellowships and scholarships offered at national institutions. Information received from Governments regarding the fellowships and scholarships offered at national institutions will, at the request of those Governments, be circulated to all Member States.

118. International Law Fellowship Programme. For the reasons spelt out in paragraphs 57 to 59 above, the implementation of the International Law Fellowship Programme should be carefully evaluated in order to allow for the most appropriate and cost-effective decisions. A number of fellowships, to be determined in the light of the above-mentioned review, should be awarded each

year under the United Nations regular budget. Additional fellowships may also be awarded from the Trust Fund of the Programme of Assistance, depending on the amount of the voluntary contributions received each year and taking into account the needed protection against irregularities in the flow of voluntary contributions.

119. The programme should also be open to a limited number of observers whose Governments are willing to cover the expenses of their observers.

120. Extreme caution should be used in the allocation of sums from the Trust Fund to finance administration and other expenses of the Fellowship Programme. As in previous years, it is to be stressed that guidelines contained in General Assembly resolutions should be followed, in particular the desirability of using, as far as possible, the resources and facilities made available by Member States, international organizations and others; as well as the need, in appointing lecturers for the seminars of the Fellowship Programme, to secure representation of the major legal systems and balance among various geographical regions.

121. As in previous years, maximum use should be made, in the implementation of the Fellowship Programme, of existing human and material resources of the Organization so as to achieve the best possible results within a policy of maximum financial restraint. To the extent possible, teaching experts from the special seminars should be recruited from among the staff of the Organization, thus reducing to a minimum consultants' fees and travel expenses and making full use of the expertise of Organization staff in international law and related areas.

122. Upon the invitation of the Office of Legal Affairs, UNITAR should continue to participate in those aspects of the Fellowship Programme more in keeping with its organizational capabilities and in accordance with the guidelines set out above.

123. Other possible activities; audiovisual library. New activities should be undertaken only if the overall level of appropriations of the United Nations budget or voluntary contributions from States make them possible. In this connection, the Secretary-General proposes to create an audio-visual library on teaching international law. One of the basic and effective ways of disseminating and engendering a wider appreciation of international law is through teaching. Efforts should be made to assist States and, in particular, developing States and their universities and institutions of higher studies in incorporating international law courses into their curricula. One cost-effective way of assisting is through the preparation and distribution of audiovisual tapes. The Secretary-General proposes to create an audiovisual library of tapes on teaching various subjects of international law. Those subjects could include, for example, general courses on international law; United Nations law; law of the sea; arbitration; dispute settlement procedures; international humanitarian law; refugees law; environmental law; outer space law, etc. Each audiovisual course could be prepared by inviting well-known professors to lecture on camera, or, in cooperation with their respective universities, they could be videotaped as they teach their usual courses. Every effort would be made to have these courses in as many official languages of the

United Nations as possible. The tapes would then be held in an audiovisual library and States and their universities would be able to borrow them or receive a copy of them to use for their own teaching purposes. The library could be expanded to cover other subjects of international law in response to requests.

C. Activities of the United Nations Institute for Training and Research

124. Paragraphs 75 to 95 above contain an account of activities performed by UNITAR which are related to the teaching, study, dissemination and wider appreciation of international law. It is expected that, subject to appropriate funding, such activities may be continued during the period 1996-1997.

D. Activities of the United Nations Educational, Scientific and Cultural Organization

125. Within the framework set by its budgetary allocations, the UNESCO contribution to the United Nations Programme of Assistance in the Teaching, Study, Dissemination and Wider Appreciation of International Law will continue to develop during the biennium 1996-1997 by means of activities tending to strengthen further the specific role of UNESCO concerning the development of both the research and the teaching of international law.

E. Other activities by States and international organizations concerning the teaching, study, dissemination and wider appreciation of international law, pursuant to General Assembly resolution 49/50

126. States and international organizations should be encouraged to continue to execute and expand the activities contemplated under chapter IV of the programme for the third term of the United Nations Decade of International Law under General Assembly resolution 49/50 and to report to the Secretary-General any further developments achieved by them in those areas.

IV. ADMINISTRATIVE AND FINANCIAL IMPLICATIONS OF UNITED NATIONS PARTICIPATION IN THE PROGRAMME

A. Biennium 1994-1995

127. Among the activities carried out under the Programme during 1994-1995, the following items were related to allocations of the regular budget: the supply of United Nations legal publications to institutions in developing countries; and the provision of a number of international law fellowships, determined in the light of the overall resources for the Programme (General Assembly resolution 48/29, para. 2 (a)).

128. The cost of the handling and shipping of United Nations legal publications to institutions in developing countries has been covered under the relevant sections of the programme budget for the biennium 1994-1995 relating to Conference and Library Services, Distribution Service, and to Administration and Management, Office of General Services, Communications and Mail Operations.

129. The actual cost of producing the publication falls under the respective allocations for the substantive programmes to which each publication belongs.

130. As for the cost of provision by the United Nations of a number of fellowships determined in the light of the overall resources for the programme, a total of $334,500 was appropriated from regular budget sources under section 7 (Legal activities, progressive development and codification of international law) of the programme budget for the biennium 1994-1995. Furthermore, and in accordance with paragraph 15 of General Assembly resolution 48/29, whereby the Assembly requested Member States, interested organizations and individuals to make voluntary contributions towards the financing of the Programme, the Secretary-General addressed a note on 7 March 1994 to Member States drawing their attention to paragraphs 2 (a) and 13 to 16 of resolution 48/29, paragraph 9 of resolution 47/32 and paragraphs 15 and 16 of resolution 46/50.

131. In that connection, in 1994 a contribution of $3,000 was received from Greece for the International Law Fellowship Programme. In 1995, the following countries made contributions to the Programme: Cyprus, $1,130; and Greece, $3,000.

132. For the International Law Seminar, the following countries made contributions in 1994: Austria, $3,000; Denmark, $10,638; Finland, $4,521.18; France, $6,794.56, and again $7,352.94; Germany, $11,713.29; Iceland, $750; Norway, $5,000; Slovenia, $750; Switzerland, $6,993.01; and United Kingdom $5,150. In 1995, the following countries made contributions: Austria, $2,925; Denmark, $11,799.31; Finland, $5,344.85; France, $8,316.01; Germany, $13,391.00; Ireland, $3,873.11; Norway, $5,000; Switzerland, $4,032.26; and United Kingdom, $8,165.32.

133. For the Hamilton Shirley Amerasinghe Fellowship on the Law of the Sea, a contribution of $1,000 was received in 1994 from Sri Lanka. In 1995, the United Kingdom made a contribution of $23,574 for a special award.

134. For the UNCITRAL symposia, the following countries made contributions in 1994: Canada, $6,076; Pakistan, $500; Switzerland, $36,814. 34/ In 1995, the following countries made contributions: Austria, $3,000; Denmark, $7,082; France, $54,328; and Switzerland, $43,830.

135. No contributions were received during 1994-1995 for UNITAR regional courses.

B. Biennium 1996-1997

136. Assuming that the recommendations in paragraph 116 above regarding the provision of legal publications are adopted, the cost of handling and shipping

the United Nations legal publications issued in 1996 and 1997 would be covered, as in previous years, by the estimates under the sections of the proposed programme budget for the biennium 1996-1997 relating to Conference and Library Services, Distribution Service, and to Administration and Management, Office of General Services, Communications and Mail Operations.

137. With regard to the provision of fellowships within the International Law Fellowship Programme during the biennium and possibly of travel grants for participants in UNITAR regional courses during 1996 or 1997, an amount of $358,200 is included in the proposed programme budget for the biennium 1996-1997 under section 6 (Legal activities, Progressive development and codification of international law) of the proposed programme budget for that biennium, assuming that the General Assembly approves the guidelines and recommendations on those programmes.

138. The Secretary-General would repeat his efforts, if the General Assembly so decides, in requesting voluntary contributions to the Programme. It is proposed that, as in past years, the funds accruing from such contributions have, as a main goal, subject to considerations of a practical nature, the increase of the number of fellowship grants to candidates from developing countries in addition to the minimum that would be authorized by the General Assembly under the appropriations from the regular budget.

V. MEETINGS OF THE ADVISORY COMMITTEE ON THE UNITED NATIONS PROGRAMME OF ASSISTANCE IN THE TEACHING, STUDY, DISSEMINATION AND WIDER APPRECIATION OF INTERNATIONAL LAW

A. Membership of the Advisory Committee

139. In accordance with paragraph 18 of General Assembly resolution 46/50, the membership of the Advisory Committee for the period from 1 January 1992 to 31 December 1995 is as follows: Bangladesh, Colombia, Cuba, Cyprus, Ethiopia, France, Germany, Ghana, India, Iran (Islamic Republic of), Italy, Kenya, Malaysia, Mexico, Netherlands, Nigeria, Romania, Russian Federation, Sudan, Trinidad and Tobago, Ukraine, United Kingdom of Great Britain and Northern Ireland, United Republic of Tanzania, United States of America and Uruguay.

B. Twenty-ninth session

140. In paragraph 17 of its resolution 48/29, the General Assembly requested the Secretary-General to report to the Assembly at its fiftieth session on the implementation of the Programme during 1994 and 1995.

141. As part of the preparation of the report requested under the above resolution, the Secretary-General prepared the present interim report covering the activities carried out during 1994 by the various bodies that participated in the execution of the Programme.

142. The Advisory Committee held its twenty-ninth session on 13 December 1994. The session was attended by the representatives of the following members of the Advisory Committee: Cuba, Cyprus, Ethiopia, Germany, Ghana, India, Iran (Islamic Republic of), Italy, Kenya, Malaysia, Mexico, Netherlands, Romania, Russian Federation, Sudan, Trinidad and Tobago, Ukraine, United Kingdom of Great Britain and Northern Ireland, United States of America and Uruguay. Representatives of UNESCO and the Division for Ocean Affairs and the Law of the Sea also attended. The session was chaired by Mr. George O. Lamptey (Ghana), who in the absence of the Chairman elected at the twenty-seventh session of the Advisory Committee, Mr. Morgan Adokwei Brown, also from Ghana, substituted for him in accordance with the decision reflected in paragraph 157 of the relevant report of the Secretary-General to the forty-eighth session of the General Assembly (A/48/580).

143. In the absence of the Legal Counsel of the United Nations, Ms. Jacqueline Dauchy, Director of the Codification Division of the Office of Legal Affairs, represented the Secretary-General at the session. Ms. Mahnoush H. Arsanjani, Senior Legal Officer, Codification Division of the Office of Legal Affairs, acted as Secretary of the Advisory Committee.

144. The Advisory Committee considered the Secretary-General's interim report.

145. As regards the International Fellowship Programme, several representatives stressed the importance of the Programme for the training of junior professors and diplomats from developing States. In that regard concern was expressed about the financial constraints on the Programme. Some representatives expressed the hope that the budget of the Programme could be increased for the next biennium.

146. The Committee endorsed UNITAR's proposal of allowing participation of observers in the International Fellowship Programme, on the understanding that the resources available for candidates from developing States would remain unaffected. As regards the number of observers, the Director of the Codification Division explained that UNITAR proposed, at this juncture, a maximum of five observers.

147. With respect to the Geneva International Law Seminar, the question was asked whether a postgraduate degree was required for participation in the Seminar. The Secretary of the Committee explained that applications for the programme were received from postgraduate students of international law, young law professors and government officials dealing with questions of international law in the course of their work. A postgraduate degree was a requirement for the first two groups of candidates but not for the third.

148. It was also asked why the report of the Secretary-General did not cover activities on teaching and training in the area of international law undertaken by or under the aegis of other United Nations bodies, such as the Legal Subcommittee of the Committee on the Peaceful Uses of Outer Space. The Secretary of the Committee explained that the report of the Secretary-General was traditionally confined to the activities which were considered by the sponsoring bodies, organs or agencies of the United Nations as falling within the framework of the Programme of Assistance.

149. As regards the seminars sponsored by UNITAR, some representatives expressed special appreciation for the programme on training on legal aspects of debt and financial management and the UNITAR-International Peace Academy fellowship programme on peace-keeping and preventive diplomacy.

C. Thirtieth session

150. The Advisory Committee held its thirtieth session on 26 October 1995. The session was attended by the representatives of the following members: Bangladesh, Colombia, Cyprus, Ethiopia, France, Germany, Ghana, Iran (Islamic Republic of), Italy, Kenya, Malaysia, Mexico, Netherlands, Nigeria, Romania, Russian Federation, Sudan, Trinidad and Tobago, Ukraine, United Kingdom of Great Britain and Northern Ireland, United Republic of Tanzania and United States of America. Representatives of UNESCO and the Division for Ocean Affairs and the Law of the Sea also attended. The session was chaired by Mr. Eric Odoi-Anim, Counsellor of the Permanent Mission of Ghana to the United Nations.

151. In the absence of the Legal Counsel of the United Nations, Ms. Jacqueline Dauchy, Director of the Codification Division of the Office of Legal Affairs, represented the Secretary-General at the session. Ms. Mahnoush H. Arsanjani, Senior Legal Officer, Codification Division of the Office of Legal Affairs, acted as Secretary of the Advisory Committee.

152. The Advisory Committee considered the Secretary-General's draft report.

153. In response to the remark that there was a certain imbalance between the parts of the report devoted to International Law Seminars and those covering seminars on international trade law, the Secretary of the Advisory Committee explained that information on the numerous seminars held under the aegis of UNCITRAL was difficult to present in condensed form. She added that the relative brevity of the section devoted to International Law Seminars in no way detracted from the importance attached to the event under the Programme.

154. In reply to comments from the floor on paragraph 17 of the report, the Secretary said that every effort would be made to provide in the future more detailed information regarding the beneficiaries of the legal component of the internship programme organized by the Office of Human Resources Management.

155. The Director of the Codification Division confirmed that, while interns were selected on as wide a geographical basis as possible, only a relatively small number could be accepted every year because of space constraints. Existing capacities were used to the fullest and no qualified candidate was excluded on the mere ground of nationality.

156. It was suggested that the internship programme should be publicized as widely as possible so as to attract interest outside the host State and allow for a selection based on merit rather than on geographical representation.

157. In response to questions from a member of the Advisory Committee concerning paragraphs 22 to 33 of the report, the representative of the Division for Ocean Affairs and the Law of the Sea explained that, in enlisting the cooperation of

universities for the implementation of the internship programme under the Hamilton Shirley Amerasinghe Memorial Fellowship, due account had to be taken of the limited funds available for the award of fellowships. Offers from universities in developing countries which could accommodate fellows free of charge would however be most welcome. With specific reference to paragraph 29, he indicated that the beneficiary of the special award made possible by a grant from the United Kingdom had been selected through the same screening process as the beneficiaries of the other awards under the Hamilton Shirley Amerasinghe Memorial Fellowship.

158. In response to the suggestion that the report of the Secretary-General should cover other activities of the Division including those relating to the dissemination of information and publications on the law of the sea, the representative of the Division for Ocean Affairs and the Law of the Sea indicated that the possibility of covering such activities would be explored.

159. The remark was made that several sections of the report seemed to duplicate information contained in other reports considered by the Sixth Committee. One example was the section on activities concerning international trade law, which was also reported on in other documents such as the report of UNCITRAL and the report of the Secretary-General on the Decade of International Law. It was therefore suggested that in order to avoid duplication and repetitious debate and to keep financial implications to a minimum, the device of cross-references should be used wherever possible. When the subject-matter of reports overlapped, consideration should be given to where the information would most usefully be located. In this regard the remark was made that the purpose of the Advisory Committee was not to review past accomplishments but rather to provide guidance for the future and that the report should be drafted accordingly, so that prospective activities and fellowship availabilities could be publicized sufficiently early.

160. The Secretary indicated that the report was traditionally self-contained but that the possibility of resorting to cross-references would be duly explored. She added that the various units involved in the implementation of the Programme might find it difficult to plan activities ahead of the approval of the guidelines provided by the General Assembly on a biennial basis.

161. While recognizing the validity of the latter point, one representative pointed out that the Advisory Committee would be in a better position to provide concrete guidance to the Secretary-General if the various units concerned could give advance notice of their plans, particularly as regards the grant of fellowships.

162. In response to a question concerning the criteria applied by the United Nations in making legal publications available to researchers, particularly in developing countries, the Secretary drew attention to paragraph 55 of the report. She also indicated that United Nations legal publications were distributed to all permanent missions and to depository libraries. Furthermore, the Secretariat consistently accommodated requests for recent publications from individual scholars, including from developing countries.

163. It was suggested that an important function of the Committee was to help improve the flow of information between the United Nations and academic institutions concerned with international law. It was felt that paragraph 56 illustrated the existing insufficiency of communication. It was suggested that the Secretariat might list: (a) scholarships, programmes, facilities, etc., available to universities through the United Nations system, and (b) appeals and invitations by the Secretary-General for information, scholarships, contributions to projects, programmes, etc., from universities. This information could be attached to the report, or in a separate note or brochure, but should be presented in a consolidated form suitable for Governments to transmit directly to universities in their countries. The Secretary of the Committee indicated that the circular note sent annually to all permanent missions to the United Nations did request information on the availability of fellowships. A separate form intended for universities could be prepared and attached either to the said note or to the report of the Secretary-General.

164. In response to a query from a member of the Advisory Committee, the Secretary indicated that the geographical location of the activities listed would be provided in the final version of the report.

165. It was also observed that the section devoted to UNITAR read more like a brochure of general purport than like a description of specific activities and that its style should perhaps be harmonized with that of the rest of the report.

166. The remark was made that no precise information was provided on the workshop to be organized in cooperation with the United Nations as a contribution to the United Nations Decade of International Law. The hope was furthermore expressed that UNESCO would find it possible to reduce the price of its publications.

167. The view was reiterated in this context that the report would serve a more useful purpose if section III covered in more detail the various activities planned for the next biennium, so that the Advisory Committee could express its views on them.

168. As regards the training of interns, it was agreed to include in the report a recommendation to the Secretary-General on the publicity to be given to the relevant programmes and on the modalities of selection of the interns.

169. Concern was voiced that, despite the increase in the membership of the Organization, the Programme was benefiting fewer and fewer States. In this connection, it was noted that, owing to financial constraints, no refresher course had been offered in the last few years. The hope was expressed that the Committee would make concrete proposals to increase the resources available under the Programme.

170. As regards the proposal to create an audiovisual library on teaching international law, some delegations felt that audiovisual tapes could be a useful addition to the teaching programmes at universities and would allow for a wide dissemination of the teachings of leading jurists. In that connection, reference was made to the audiovisual tapes prepared by the Secretariat on the work of various organs of the United Nations such as the International Court of

Justice. The delegations in question therefore saw merit in pursuing the idea, on the understanding that a number of practical questions (budgetary implications, copyright, royalties, etc.) would have to be carefully considered.

171. Reservations were however expressed on the utility of the proposed library. Audiovisual tapes, it was stated, did not allow for interaction between professors and students and served a useful purpose only in relation to certain categories of persons (such as the handicapped) or to highly specialized issues of international law such as the delimitation of maritime boundaries. The remark was also made that the proposed library should not be limited to the official languages of the United Nations.

172. The Secretary explained that modern technology could and already did play an important role in teaching. Given current financial constraints and the fact that a limited number of persons had access to the seminars organized under the Programme, audiovisual tapes on various subjects of international law were a convenient tool to place at the disposal of educational institutions of States, especially developing States. Such tapes could address a variety of subjects, from the role of the organs of the Organization to theoretical aspects of international law, and could consist of a single lecture or a series of lectures, depending on demand and on the experience gained in implementing the project. The costs would have to be met through voluntary contributions and the Secretariat would try to enlist the cooperation of universities.

173. The Director of the Codification Division said that the Secretariat would reflect further on the matter in the light of the debate and submit a more detailed proposal for consideration by the Advisory Committee at its next session.

Notes

1/ Resolutions 2204 (XXI) of 16 December 1966, 2313 (XXII) of 14 December 1967, 2464 (XXIII) of 29 December 1968, 2550 (XXIV) of 12 December 1969, 2698 (XXV) of 11 December 1970, 2838 (XXVI) of 18 December 1971, 3106 (XXVIII) of 12 December 1973, 3502 (XXX) of 15 December 1975, 32/146 of 16 December 1977, 34/144 of 17 December 1979, 36/108 of 10 December 1981, 38/129 of 19 December 1983, 40/66 of 11 December 1985, 42/148 of 7 December 1987, 44/28 of 4 December 1989 and 46/50 of 9 December 1991. Information concerning action taken under the Programme in previous years is contained in the following reports of the Secretary-General to the General Assembly: Official Records of the General Assembly, Twenty-first Session, Annexes, agenda item 86, document A/6492 and Add.1; ibid., Twenty-second Session, Annexes, agenda item 90, document A/6816; ibid., Twenty-third Session, Annexes, agenda item 89, document A/7305; ibid., Twenty-fourth Session, Annexes, agenda item 91, document A/7740; ibid., Twenty-fifth Session, Annexes, agenda item 90, document A/8130; ibid., Twenty-sixth Session, Annexes, agenda item 91, document A/8505 and Corr.1 and 2; ibid., Twenty-eighth Session, Annexes, agenda item 98, document A/9242 and Corr.1; ibid., Thirtieth Session, Annexes, agenda item 117, document A/10332; ibid., Thirty-second Session, Annexes, agenda item 114, document A/32/326; ibid., Thirty-fourth Session, Annexes, agenda item 111, document A/34/693;

ibid., Thirty-sixth Session, Annexes, agenda item 113, document A/36/633; ibid., Thirty-eighth Session, Annexes, agenda item 122, document A/38/546; ibid., Fortieth Session, Annexes, agenda item 128, document A/40/893; ibid., Forty-second Session, Annexes, agenda item 127, document A/42/718; ibid., Forty-fourth Session, Annexes, agenda item 138, document A/44/712; ibid., Forty-sixth Session, Annexes, agenda item 124, document A/46/610; and ibid., Forty-seventh Session, Annexes, agenda item 139, document A/48/580.

2/ General Assembly resolution 44/23, preamble, and paras. 1 and 2 (d).

3/ See General Assembly resolutions 47/32 and 49/50, second preambular paragraph, subparagraph (d). See also chapter IV of the programme for the activities for the second term (1993-1994) and the third term (1995-1996) of the United Nations Decade of International Law, annexed to the resolutions. Chapter IV reads as follows:

"IV. Encouragement of the teaching, study, dissemination and wider appreciation of international law

"1. The Advisory Committee on the United Nations Programme of Assistance in the Teaching, Study, Dissemination and Wider Appreciation of International Law should, in the context of the Decade, continue to formulate, as appropriate and in a timely manner, relevant guidelines for the Programme's activities and report to the Sixth Committee on the activities carried out under the Programme in accordance with such guidelines. Special emphasis should be given to supporting academic and professional institutions already carrying out research and education in international law, as well as to encouraging the establishment of such institutions where they might not exist, particularly in the developing countries. States and other public or private bodies are encouraged to contribute to the strengthening of the United Nations Programme.

"2. States should encourage their educational institutions to introduce courses in international law for students studying law, political science, social sciences and other relevant disciplines; they should study the possibility of introducing topics of international law in the curricula of schools at the primary and secondary levels. Cooperation between institutions at the university level among developing countries, on the one hand, and their cooperation with those of developed countries, on the other, should be encouraged.

"3. States should consider convening conferences of experts at the national and regional levels in order to study the question of preparing model curricula and materials for courses in international law, training of teachers in international law, preparation of textbooks on international law and the use of modern technology to facilitate the teaching of and research in international law.

"4. States, the United Nations system of organizations and regional organizations should consider organizing seminars, symposia, training

courses, lectures and meetings and undertaking studies on various aspects of international law.

"5. States are encouraged to organize special training in international law for legal professionals, including judges, and personnel of ministries of foreign affairs and other relevant ministries as well as military personnel. The United Nations Institute for Training and Research, the United Nations Educational, Scientific and Cultural Organization, the Hague Academy of International Law, regional organizations and the International Committee of the Red Cross are invited to continue cooperating in this respect with States.*

"6. Cooperation among developing countries, as well as between developed and developing countries, in particular among those persons who are involved in the practice of international law, for exchanging experience and for mutual assistance in the field of international law, including assistance in providing textbooks and manuals of international law, is encouraged.

"7. In order to make better known the practice of international law, States and international and regional organizations should endeavour to publish, if they have not done so, summaries, repertories or yearbooks of their practice.

"8. States and international organizations should encourage the publication of important international legal instruments and studies by highly qualified publicists, bearing in mind the possibility of assistance from private sources.**

"9. Other international courts and tribunals, including the European Court of Human Rights and the Inter-American Court of Human Rights, are invited to disseminate more widely their judgements and advisory opinions, and to consider preparing thematic or analytical summaries thereof.

"10. International organizations are requested to publish treaties concluded under their auspices, if they have not yet done so. Timely publication of the United Nations Treaty Series is encouraged and efforts directed towards adopting an electronic form of publication should be continued. Timely publication of the United Nations Juridical Yearbook is also encouraged."

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* In the programme for the activities for the third term (1995-1996), this paragraph was followed by a new paragraph 6:

"6. In connection with the training of military personnel, States are encouraged to foster the teaching and dissemination of the principles governing the protection of the environment in times of armed conflict and should consider the possibility of making use of the guidelines for military manuals and instructions prepared by the International Committee of the Red Cross."

** In the programme for the activities for the third term (1995-1996), this paragraph was followed by a new paragraph 10:

"10. The Secretary-General, in cooperation with the Registry of the International Court of Justice, is encouraged to update the publication Summaries of Judgments, Advisory Opinions and Orders of the International Court of Justice (1948-1991), in all the official languages of the Organization and within the existing overall level of appropriations."

4/ See Official Records of the General Assembly, Forty-seventh Session, Supplement No. 10 (A/47/10), chap. V, sect. H.

5/ Ibid., Forty-eighth Session, Supplement No. 10 (A/48/10), chap. VI, sect. E.

6/ Ibid., Forty-ninth Session, Supplement No. 10 (A/49/10), para. 409.

7/ Official Records of the General Assembly, Fiftieth Session, Supplement No. 10 (A/50/10), chap. VII, sect. E.

8/ Ibid., para. 523.

9/ Ibid., chap. VII, sect. E.

10/ Ibid., para. 527.

11/ Ibid., para. 528.

12/ General Assembly resolutions 46/53, para. 1: 47/32, para. 1; 48/30, para. 1; and 49/50, para. 1.

13/ For a discussion on how the fellowship became integrated into the United Nations Programme of Assistance in the Teaching, Study, Dissemination and Wider Appreciation of International Law, see A/36/633, paras. 55-57 and 84-86.

14/ The person identified for the 1993 annual award of the fellowship on the Law of the Sea could not, owing to work commitments, take up the fellowship. As it was too late to substitute another candidate or to make the necessary arrangements for the year 1994 with another educational institution, the 1993 fellowship was not used.

15/ Official Records of the General Assembly, Thirty-sixth Session, Supplement No. 17 (A/36/17), para. 109.

16/ Ibid., Forty-second Session, Supplement No. 17 (A/42/17), para. 335.

17/ Ibid., Forty-ninth Session, Supplement No. 17 (A/49/17), paras. 232-239, and Fiftieth Session, Supplement No. 17 (A/50/17), paras. 412-423.

18/ Such organizations and institutions include: Arab Commission for International Law, Asian-African Legal Consultative Committee, European

Committee on Legal Cooperation, Inter-American Juridical Committee, Commission of the European Communities, Hague Conference of Private International Law, International Institute for the Unification of Private Law, Organization of American States, Hague Academy of International Law, European Community, Latin American Economic System, League of Arab States and Organization of African Unity.

19/ See for instance, in the June 1994 issue (XXXI, No. 2), articles or notes on human rights, international criminal tribunal, outer space bodies and seabed mining; in the March issue (XXXII, No. 1), notes on Convention on the Safety of United Nations and Associated Personnel, Terrorism Declaration; and in the June issue (XXXII, No. 2), three articles on the International Seabed Authority, the United Nations Congress on Public International Law and the suggested deletion of the "enemy States" clauses of the Charter of the United Nations.

20/ United Nations publication, Sales No. E.94.V.9 (English, French, Spanish).

21/ United Nations publication, Sales No. E.94.V.13 (English, French, Spanish).

22/ United Nations publication, Sales No. E.95.V.7 (English, French, Spanish).

23/ United Nations publication, Sales No. E.94.V.1 (English only).

24/ United Nations publications, Sales Nos. E.94.V.10 (English only) and E.95.V.11 (English only).

25/ Countries whose institutions received United Nations publications include the following: Afghanistan, Albania, Algeria, Angola, Argentina, Azerbaijan, Bahrain, Bangladesh, Barbados, Belarus, Benin, Bolivia, Botswana, Brazil, Bulgaria, Burkina Faso, Burundi, Cameroon, Chile, China, Colombia, Congo, Costa Rica, Côte d'Ivoire, Cyprus, Czech Republic, Dominica, Dominican Republic, Ecuador, Egypt, El Salvador, Estonia, Ethiopia, Fiji, Gabon, Ghana, Guatemala, Guinea, Guyana, Haiti, Honduras, Iceland, India, Indonesia, Iran (Islamic Republic of), Iraq, Jamaica, Jordan, Kenya, Kuwait, Latvia, Lebanon, Lesotho, Liberia, Libyan Arab Jamahiriya, Lithuania, Madagascar, Malawi, Malaysia, Mali, Malta, Mauritius, Mexico, Mongolia, Morocco, Mozambique, Myanmar, Nepal, Nicaragua, Niger, Nigeria, Pakistan, Panama, Papua New Guinea, Paraguay, Peru, Philippines, Poland, Qatar, Republic of Korea, Romania, Russian Federation, Rwanda, Saint Vincent and the Grenadines, Saudi Arabia, Senegal, Seychelles, Sierra Leone, Singapore, Slovakia, Sri Lanka, Sudan, Suriname, Swaziland, Syrian Arab Republic, Thailand, Togo, Trinidad and Tobago, Tunisia, Turkey, Uganda, United Arab Emirates, United Republic of Tanzania, Uruguay, Venezuela, Yemen, Zambia, Zaire and Zimbabwe. See further discussion on the question during the seventeenth session of the Advisory Committee (A/38/546, paras. 83 and 84), at its nineteenth session (A/40/893, paras. 84-87) and at its twenty-third session (A/44/712, para. 120).

26/ Institutions from the following countries have been included among the recipients of publications from the International Court of Justice: Argentina, Brazil, Egypt, India, Morocco, Mozambique, Niger, Pakistan, Papua New Guinea, Poland, Spain, Syrian Arab Republic, Viet Nam and Zimbabwe.

27/ Those recently established information centres are located at Brazzaville, Dhaka, Harare, Managua and Ouagadougou.

28/ In 1994, the following were in charge of The Hague special seminars: Professor Laurence Boisson de Chazournes, Graduate Institute of Geneva; Mr. P. Couvreur, Secretary of the International Court of Justice; Mr. A. De Zayas, Complaints Procedure Branch, Centre for Human Rights, Geneva; Mr. Gerold Hermann, Secretary, United Nations Commission on International Trade Law (UNCITRAL), Vienna; Mr. Ivor C. Jackson, former Deputy Director, Division of Refugees Law and Doctrine, Office of the United Nations High Commissioner for Refugees, Geneva; Mr. P. H. G. Jonkman, Secretary General, Permanent Court of Arbitration, The Hague; Mr. Michael Graf von Korff-Schmising, Head of Section, Federal Ministry of Economics, Bonn; Mr. F. T. Liu, Special Adviser, International Peace Academy, New York, and former United Nations Assistant Secretary-General for Special Political Affairs; Mr. Umesh Palwankar, Legal Division, International Committee of the Red Cross, Geneva; Mr. Manuel Rama-Montaldo, Senior Legal Officer, United Nations Office of Legal Affairs, New York; Professor Nico Schrijver, Senior Lecturer in International Law, Institute of Social Studies, The Hague; Professor Jacques Soubeyrol, Professor of International Law, University of Bordeaux; Mr. Arthur Witteveen, Secretary of the International Court of Justice, The Hague; Mr. Abdulqawi A. Yusuf, Representative of the United Nations Conference on Trade and Development, New York; and Professor Elisabeth Zoller, Professor of Public International Law, University of Strasbourg III.

29/ In 1995, the following were in charge of The Hague special seminars: Ms. Laurence Boisson de Chazournes, Professor of International Environmental Law, Graduate Institute of International Studies, University of Geneva; Mr. Jean-Claude Concolato, Head of the Liaison Office of the United Nations High Commissioner for Refugees, The Hague; Mr. Philippe Couvreur, Secretary of the International Court of Justice, The Hague; Ms. Yolande Diallo, Chief, Information, Publications and External Relations, Centre for Human Rights, Geneva; Ms. Birgitta Ekterkade, Preparatory Commission of the Organization for the Prohibition of Chemical Weapons, The Hague; Mr. Jeffrey Gertler, Counsellor, Legal Affairs Division, World Trade Organization, Geneva; H.E. Winfried Lang, Ambassador of Austria to the United Nations, Geneva, and Professor of International Law; Mr. F. T. Liu, Special Adviser, International Peace Academy, New York, former United Nations Assistant Secretary-General for Special Political Affairs; Mr. Nasser Ali Mansurian, Legal Advisor, United States-Iran Claims Tribunal, The Hague; Ms. Gabrielle Marceau, Legal Affairs Officer, Legal Affairs Division, World Trade Organization, Geneva; Mr. Allahyar Mouri, Legal Assistant, United States-Iran Claims Tribunal, The Hague; Mr. Marco Sassoli, Deputy Head of the Legal Division, International Committee of the Red Cross, Geneva; Ms. Betty Shifman, First Secretary, Permanent Court of Arbitration, The Hague; Mr. Nico Schrijver, Senior Lecturer in International Law, Institute of Social Studies, The Hague; Mr. Johannes G. Van Aggelen, Deputy Chief, Information, Publications and External Relations, Centre for Human Rights,

Geneva; Mr. Andrew Williams, Director, Graduate School of International Relations, University of Kent, Canterbury; and Mr. Arthur Witteveen, Secretary of the International Court of Justice, The Hague.

30/ Paris, UNESCO, 1994.

31/ Third edition (Paris, UNESCO, 1994), 245 pages.

32/ For the report to the forty-eighth session, see A/49/323 and Add.1-3, chap. II.D. For the report to the fiftieth session, see A/50/368 and Add.1, chap. II.D.

33/ See General Assembly resolutions 45/40, annex, chap. V, para. 5; 47/32, annex, chap. V, para. 6; and 49/50, chap. V, para. 6.

34/ The 1994 and 1995 contributions of Switzerland have been applied to the symposia organized by UNCITRAL.

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HUMAN RIGHTS QUESTIONS: HUMAN RIGHTS SITUATIONS AND REPORTS OF SPECIAL RAPPORTEURS AND REPRESENTATIVES

Situation of human rights in the former Yugoslavia

Note by the Secretary-General

The Secretary-General has the honour to transmit to the members of the General Assembly and the members of the Security Council and to the International Conference on the Former Yugoslavia the periodic report prepared by Mrs. Elisabeth Rehn, Special Rapporteur of the Commission on Human Rights on the situation of human rights in the territory of the former Yugoslavia, in accordance with paragraph 42 of Commission on Human Rights resolution 1995/89 of 8 March 1995 and Economic and Social Council decision 1995/290 of 25 July 1995.

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ANNEX

Report on the situation of human rights in the territory of the former Yugoslavia submitted by Mrs. Elisabeth Rehn, Special Rapporteur of the Commission on Human Rights, pursuant to Commission resolution 1995/89 and Economic and Social Council decision 1995/290

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I. INTRODUCTION

1. Following the resignation of Mr. Tadeusz Mazowiecki, the Chairman of the Commission on Human Rights appointed Mrs. Elisabeth Rehn as Special Rapporteur on the situation of human rights in the territory of the former Yugoslavia on 27 September 1995.

2. Upon accepting this appointment, the Special Rapporteur clearly stipulated her main objectives in implementing the mandate entrusted to her by the Commission on Human Rights. The primary aim of the Special Rapporteur is to present an objective and impartial assessment of the human rights situation in all countries covered by the mandate on the basis of first-hand information gathered during her missions to the region, as well as information collected by the field operation established by the Centre for Human Rights of the Secretariat in the former Yugoslavia.

3. The Special Rapporteur is particularly concerned about the human rights situation of the most vulnerable groups, particularly children. She wishes to stress that the Convention on the Rights of the Child of 1989, ratified and acceded to by 180 countries, has been brutally violated. Children in emergency situations, such as refugee children and children involved in armed conflict, are entitled to special protection and rehabilitative care. The preamble to the Convention strongly emphasizes the vital role of international cooperation in securing children's rights and the Special Rapporteur intends to focus on this issue in her forthcoming reports.

4. The Special Rapporteur expressed particular concern regarding the freedom of the media in all countries covered by her mandate. Strict governmental control, particularly of the electronic media, exists both in the Federal Republic of Yugoslavia (Serbia and Montenegro) and in Croatia. She noted that, in Croatia, the ruling presidential party strongly dominates the mass media, especially with regard to the recent parliamentary campaign. She stresses the importance of strengthening the electronic media in Bosnia and Herzegovina.

5. The Special Rapporteur intends to establish working relations and contacts with all authorities concerned. She also intends to cooperate with international and local non-governmental organizations. She is encouraged to learn that the Government of the Federal Republic of Yugoslavia has offered its full support to her mission. In addition, the Bosnian Serb de facto authorities* have expressed their readiness to cooperate with the Special Rapporteur.

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* Whenever the terms "Bosnian Serb forces" or "Bosnian Serb de facto authorities" are used in the present report, reference is being made, unless otherwise indicated, only to Bosnian Serbs who are in military or civilian service of the de facto administration, which has its political headquarters at Pale. In particular, no reference is intended or to be implied to any Bosnian Serbs who are loyal to the Republic of Bosnia and Herzegovina.

6. Immediately following her appointment, the Special Rapporteur conducted her first mission to the region, in the course of which she visited Bosnia and Herzegovina, Croatia and the Federal Republic of Yugoslavia (Serbia and Montenegro) (the itinerary is contained in the appendix). During her visit to the Sarajevo region, she met with representatives of the Bosnian Serb de facto authorities at Pale. Because of time constraints, her mission was limited to the capitals of the above-mentioned countries, with the exception of a field visit to the former Sector North in Croatia. She was unable to conduct a mission to the Former Yugoslav Republic of Macedonia on this occasion and intends to visit that country on one of her future trips.

7. The Special Rapporteur is aware that a great deal of information has been gathered by various sources, including the Centre for Human Rights field staff and other United Nations agencies operating in the field. However, before expressing her opinions on various sensitive aspects, the Special Rapporteur wishes to conduct her own missions to all regions concerned and to enter into dialogue with the relevant authorities, representatives of various ethnic groups, refugees and other relevant personalities.

8. This report is based on information gathered by the Special Rapporteur during her mission, as well as information collected by the field staff of the Centre for Human Rights and personnel of other international organizations during the period following the resignation of the former Special Rapporteur. The report focuses mainly on human rights problems arising from recent events in the former sectors North and South in Croatia, and in the areas of Banja Luka and Bihac in Bosnia and Herzegovina. As far as other areas covered by the last mission are concerned, the Special Rapporteur intends simply to identify the pertinent human rights issues with the intention of presenting them in a more comprehensive manner in her next report.

II. CROATIA

A. Introduction

9. During her first mission to Croatia, the Special Rapporteur was informed by international observers and representatives of local non-governmental organizations about the status of the various human rights problems persisting in that country. Her mission was also devoted to establishing important contacts with relevant authorities. In future missions, the Special Rapporteur intends to conduct her own first-hand investigations of alleged human rights violations. Following this, important problems such as the independence of the judiciary, illegal and forced evictions, the application of citizenship law, the situation of the media, and other human rights issues which are not discussed in the present report will be given due attention in a future report.

10. The present report is primarily concerned with the main human rights problems arising as a consequence of the military operation in the former sectors North and South known as operation "Storm". It also touches on the very important question of the human rights situation of national minorities in Croatia.

11. The Special Rapporteur notes with concern that the Parliament temporarily suspended some articles of the Constitutional Law on Human Rights and Freedoms and the Rights of National and Ethnic Communities or Minorities in the Republic of Croatia during its session held from 19 to 21 September 1995. The adoption of that law was considered to be one of the essential conditions for the international recognition of Croatia. Although that law was never fully implemented, it nevertheless provided national minorities with important legal guarantees. The decision to suspend articles which guarantee the special status of districts predominantly populated by national minorities, create separate educational institutions, and secure proportional representation in the Parliament, Government and judiciary, places a question mark over the attitude of the Croatian authorities towards national minorities in general and the Serbian minority in particular. It also seriously undermines the credibility of the officially proclaimed support for the return of refugees as it does not encourage their return if their rights are undermined in this way.

12. The Special Rapporteur also notes with concern that article 60 of the above-mentioned law establishing the Provisional Human Rights Court has been suspended. The establishment of that court was always regarded as an important step towards strengthening the system of human rights guarantees in Croatia. Nevertheless it has never become operational despite the strong recommendations of the former Special Rapporteur.

B. Human rights situation during and after operation "Storm"

1. General observations

13. Former sectors North and South formed part of the United Nations Protected Areas (UNPAs) which were established in April 1992 in Croatia following the secession of its territories predominantly inhabited by the Serbian population. In 1991, the ethnic composition of those areas which subsequently came to be known as former sectors North and South was as follows: Sector South - Serbs 75.8 per cent, Croats 21.2 per cent, others 3.0 per cent; Sector North - Serbs 71.2 per cent, Croats 23.1 per cent, others 5.7 per cent. This composition has significantly changed during the past three years for the following reasons. First, almost the entire Croatian population was forced to leave both former sectors as a consequence of serious human rights violations committed against them by the de facto Serb authorities. Secondly, Serbian refugees and displaced persons from other parts of Croatia came to reside in these territories. Despite all efforts, neither the United Nations Protection Force (UNPROFOR) in the former Yugoslavia nor the United Nations Confidence Restoration Operation in Croatia (UNCRO) was able to facilitate the return of Croatian refugees and displaced persons to these territories, as even an international presence was not able to provide effective protection for the remaining non-Serbian population in that area.

14. On 4 August 1995, the Croatian army launched a military operation, operation "Storm", throughout the former sectors North and South; it took control of Knin in former Sector South at midday on 5 August and most of the rest of the Sector by 7 August 1995. Severe restrictions on movement were imposed on the United Nations and other international personnel in Knin until

7 August, and in other parts of the Sector until as late as 13 August. Periodic restrictions of movement were imposed throughout August 1995. In former Sector North, where active fighting continued well into the second week of August, severe restrictions on movement were imposed as well. As a consequence of these limitations, it is difficult to make an objective assessment of the extent of casualties and damage during the first days of operation. Nevertheless international observers have managed to collect credible information indicating that serious violations of humanitarian law and human rights law occurred during and after the military operation. 1/

15. During the military action, civilian targets, including residential areas of Knin, were deliberately targeted by the Croatian army. At least 20 dead bodies, including bodies of women and children, were seen on 5 August by United Nations military personnel along the main road in the town. An artillery shell fired by the Croatian army on the night of 4 August landed less than 10 metres from the United Nations camp at Knin, killing seven persons aboard a tractor who were on their way to the compound. The field staff of the Centre for Human Rights have also received testimonies from survivors of two instances occurring on 5 August in which fleeing Serbs were stopped and shot dead by Croatian army troops. At least nine persons were killed in these incidents.

16. Numerous United Nations observation posts were captured, in some cases after being deliberately fired upon by the Croatian army. Four United Nations peace-keepers were killed and a number of others were wounded. Seven Danish peace-keepers were used as human shields when they were forced by a Croatian officer to walk at the front of a group of advancing soldiers in Bosanka Dubica.

17. Following the offensive, the Croatian authorities launched a public campaign aimed at persuading the Krajina Serbs to remain in the former sectors. The operation, however, resulted in a vast exodus of Serbs from both former sectors into the Serb-controlled region of Bosnia and Herzegovina and into the Federal Republic of Yugoslavia, from 4 to 10 August 1995. Some 200,000 persons, both military personnel and civilians, constituting more than 90 per cent of the population of the former sectors, crossed the border during this period. No more than 5,000 Serbs still remain in the area, most of them elderly and handicapped.

18. Fleeing civilians were subjected to various forms of harassment, including military assaults and attacks by Croatian civilians. On 8 August, a refugee column was shelled between Glina and Dvor, resulting in at least 4 dead and 10 wounded. A serious incident occurred in Sisak on 9 August, when a Croatian mob attacked a refugee column with stones, resulting in the injury of many persons. One woman subsequently died of her wounds. Croatian police watched passively until United Nations civilian police monitors showed up and prompted them to intervene. The Special Rapporteur met some Krajina refugees in Belgrade. They informed her of the tragic circumstances of their flight, which was particularly traumatic for children, the elderly, the sick and wounded.

19. Nearly 1,000 persons, including those without the means to depart, sought and were provided refuge in the UNCRO Sector South headquarters compound at Knin, commencing on the evening of 4 August. Following their arrival, the United Nations attempted to negotiate their safe passage to the Federal Republic

of Yugoslavia, in accordance with their wishes, with the Government of Croatia. The evacuation was stalled by the demand of the Croatian authorities that all military-age men be surrendered for investigation of possible complicity in war crimes.

20. After long negotiations with the United Nations, the Government of Croatia made a list of 62 people to be charged with armed rebellion against the Republic of Croatia, war crimes, genocide and crimes against humanity. However the Government did not provide any evidence or court documents supporting the charges, so the United Nations refused to hand over the persons named on the list.

21. The Government of Croatia then reduced the number of persons it wished to take into custody to 38. Pursuant to an agreement with the United Nations, these persons were transferred to Croatian custody only after a legal team had reviewed arrest warrants issued by the Croatian courts. In addition, the Croatian authorities agreed to take the following measures: to guarantee compliance with the minimum international standards for the treatment of detainees; to afford due process of law as defined under international fair trial standards; to permit the International Committee of the Red Cross (ICRC) to visit the detainees and to monitor the conditions of detention; to afford the United Nations regular access to the detainees; and to allow the United Nations to monitor and observe the legal proceedings against the detainees.

22. Information provided by the Croatian authorities on 30 August indicates that during operation "Storm", 526 Serbs were killed, 116 of them civilians, that 211 Croatian soldiers and policemen and 42 Croatian civilians were killed, and that 907 persons were detained for investigation, 704 of whom are still in detention.

2. Human rights violations which occurred during and after operation "Storm"

23. Evidence gathered so far indicates that violations of human rights and humanitarian law which were committed during and after operation "Storm" include the following:

(a) Killing of fleeing civilians;

(b) Targeting of heavy weapons against militarily insignificant sites in towns including residential areas of Glina and Knin;

(c) Killing of remaining Serb civilians;

(d) Lack of protection of the remaining members of the minority population which mainly comprises the dependent, the elderly, the physically and mentally handicapped and the mentally ill. These groups lack the following kinds of care and support: reasonable police protection; identification documents; basic nutrition; basic medical care; pension rights; and other forms of assistance. In addition, non-registered persons are unable to apply for family reunification;

(e) Threats and ill-treatment against the Serb minority population by Croatian soldiers and policemen and also by Croatian civilians;

(f) Massive burning of houses belonging to the Serbian population which had fled;

(g) Massive looting of houses belonging to the Serbian population by Croatian soldiers, policemen and civilians;

(h) Occupation of houses belonging to the Serbian population, and in some cases eviction of Serbs residing there.

3. Killing of civilians

24. Field staff of the Centre for Human Rights received numerous reports of killings taking place in former sectors South and North both while the military operation was ongoing, without any military justification, and after the Croatian army had assumed control of the region. More than 120 bodies have been discovered by the United Nations and reports of killings have been especially numerous in the Knin area. According to information received, a common murder method was shots in the back of the head.

25. Information gathered by international observers is presented below and gives some indication of the scale of these practices:

Former Sector South

(a) International observers found a male corpse, 65 years of age, on 9 August in the brush by a road near Benkovac. There were bullet wounds in the head and body. The man had been seen alive 25 minutes earlier by UNCRO soldiers in the custody of Croatian civilian police;

(b) International observers visited a home in Knin on 12 August where they found the bodies of a father and son, 90 and 62 years of age, dressed in civilian clothes and shot in the head approximately one week earlier, who had last been seen alive in the company of Croatian soldiers who were removing property, including a television set, from the mens' home;

(c) On 12 August it was reported that a number of elderly persons were burnt to death in their homes in the village of Komic;

(d) International observers were informed on 29 August that a 65-year-old man had allegedly been killed on 13 August in the village of Orlic near Knin by two men in grey Croatian civilian police uniforms and another in a Croatian army uniform;

(e) On 16 August, international observers found, in the village of Zagrovic, four partially dressed men (three of whom were approximately 65 years of age) killed by gunshot wounds to the head. They had been dead for approximately one week;

(f) In the village of Kakanj, international observers found the bodies of two persons who had allegedly been killed on 18 August by Croatian soldiers. The perpetrators also allegedly beat others and set fire to a house;

(g) After the burning of the hamlet of Grubori, on 25 August, the body of an 80-year-old man, dressed in pyjamas was discovered on the floor of his bedroom. He had apparently been shot at close range in the back of the head. A second man, 65 years of age, had been found in a field with his throat cut. On the following day, international observers found a man and a woman shot in the head in a field, and the corpse of a 90-year-old woman burnt to death in her home. Croatian Special Police Forces had been observed walking up a road to the hamlet approximately two hours before the arson and killings;

(h) An elderly woman who had been seen entering her home in Mala Polaca with three uniformed Croatian soldiers was found in the home on 29 August, dead from gunshot wounds;

(i) In the hamlet of Brgud near Devrske, on 11 September, bodies of two elderly women who had been shot dead were found by international observers;

(j) In the village of Varivode, nine Serbs were allegedly killed by four to six armed men in black uniforms on 28 September. International observers noted blood on the stairs of houses in the village, gunshot marks on walls and other evidence;

(k) In the village of Gudura, international observers received reports that the bodies of two men were found on 29 September, allegedly shot by a group of three to six uniformed men conducting house searches in the village;

Former Sector North

(l) In the village of Bijeli Klanac in the municipality of Krnjak, a number of partially burnt bodies were found on 21 August, including the body of a child estimated to be 10 years of age;

(m) Near Radasnica, Gornji Zirovac, international observers found on 30 August two decapitated men, in civilian clothes. The victims appeared to have been dead for two weeks.

4. Burning and looting of civilian property

26. The looting of property and the burning of abandoned houses occurred on a massive scale in former sectors North and South during the weeks following the completion of operation "Storm". Numerous towns, particularly in former Sector South, were almost entirely destroyed by arson, including the towns of Kistanje, Devrske, Vrbnik, Golubic, Biovicino Selo, Otric and Srb. In other towns and villages, certain properties were burnt, which suggests that those responsible had a prior knowledge of who lived where. A few major towns, including Benkovac and Obrovac, were spared.

27. It is impossible to give the exact number of houses which have been destroyed by fire in former sectors North and South, although the total is certainly in excess of 5,000. Reliable United Nations estimates put the minimum number of homes burnt in former Sector South at 60 per cent of the total while the number in former Sector North is about 30 per cent. In innumerable cases personally observed by United Nations and other international personnel, Croatian soldiers and civilian police were in direct proximity to burning buildings, in no case taking action against the fires, and in some cases evidently setting them.

28. The number of buildings set on fire in former Sector South showed a decrease towards the end of August 1995 as compared to the rate of arson observed by the United Nations during the middle of the month. However, further reports were received in late August and September of the intimidation of Serbs still residing in the former Sector, and of ongoing looting.

29. Moreover, some reports of burning houses in former Sector South were still being received throughout September and early October 1995. Reports were received from various locations, including Kaldrma, Devrske and hamlets near Obrovac.

30. International observers gave eye-witness accounts of Croatian soldiers allowing large numbers of Bosnian civilians to cross the border between Croatia and Bosnia and Herzegovina at Gornji Zirovac on 17 August 1995 in order to loot Serb villages on a massive scale. Soldiers from the army of Bosnia and Herzegovina (Fifth Corps) were seen looting and Croatian soldiers who were posted in the area watched and did nothing to prevent any further incidents from occurring.

31. The Croatian authorities in Knin, including the military governor, General Cermak, gave numerous assurances to United Nations officials in August and September 1995 that patrolling by Croatian civilian police would soon be increased throughout the former sectors. The Foreign Minister of Croatia on 23 August gave written assurances to the United Nations High Commissioner for Human Rights stating: "the Croatian Government has taken all the necessary measures to prevent any further incidents from occurring". However, by 10 September, United Nations monitors had observed that practically no Croatian police were present in the countryside except in the area of Vrlika.

32. Croatian authorities in former Sector South generally provided effective protection in August and September 1995 to religious and cultural sites, including Orthodox churches and monasteries, and damage reported to these buildings was minimal. Among the few exceptions were the Orthodox church at the entrance to Cetina valley, and memorials to Second World War victims at Kistanje and Udbina, all of which suffered major vandalism.

33. The following list provides examples of burning, looting and intimidation occurring in the former sectors:

Former Sector South

(a) In Gracac, on 6 August, international observers witnessed looting by Croatian troops;

(b) In Knin, it was reported that on 6 August four residences were set on fire;

(c) In Knin, international observers reported on 7 August that homes and stores were ransacked and that electrical goods and military equipment were missing;

(d) In Kosovo, six uniformed soldiers equipped with fuel canisters allegedly set fire to houses on 10 August;

(e) In the villages of Kaldrma and Cenici, south of Knin, approximately 40 houses and crops were burnt on 10 August. Croatian soldiers and two vehicles carrying fuel canisters and fire axes reportedly were seen in the vicinity;

(f) In the village of Kistanje, on 10 August, international observers witnessed a man driving a Croatian army truck who set fire to a store in the centre of the village;

(g) The town of Devrske was reported to be on fire on 11 August;

(h) The towns of Kistanje and Devrske were reported destroyed by fire on 13 August;

(i) Major damage from arson was reported in numerous other towns in former Sector South during the middle two weeks of August, including Golubic, Vrbnik, Padene, Ervnik, Biovicino Selo, Kastel Zegarski, Biljane, Otric, Srb and Donji Lapac;

(j) In the village of Cenici, on 13 August, international observers were informed by an elderly man that Croatian soldiers had set fire to his house several days before;

(k) In the village of Doljani near Otocac, international observers reported on 24 August that 25 to 30 houses had recently been burnt. A contingent of Croatian soldiers was seen within one kilometre of the location but did not take any action to prevent the fire;

(l) On 25 August, international observers witnessed the entire hamlet of Grubori, consisting of 18 houses and barns, being consumed by fire. The fire was apparently set two or three hours prior to their arrival at the scene;

(m) In Markovac, on 29 August, international observers reported that numerous houses were set on fire. In addition, Croatian soldiers were reported to have shot into houses. One man was reportedly beaten by Croatian soldiers despite being in possession of new Croatian identity documents;

(n) In Mala Polaca, on 4 September, international observers witnessed Croatian soldiers in the act of looting;

(o) In the villages north of Kistanje, international observers were informed on 5 September that the occupants were regularly harassed and intimidated by Croatian soldiers. Soldiers had allegedly shot numerous domestic animals;

(p) In the village of Biovicino Selo on 5 September, international observers witnessed the occupants of four cars openly looting;

(q) In the village of Diabolo Brdo near Korenica, on 5 September, international observers found three freshly burnt corpses and the corpses of domestic animals;

(r) In the villages of Ridene, Cenici, Drnis, Josevica, Zaluzje and Ristici, on 7 September, numerous houses were reported burnt;

(s) In Gornje Ceranje, on 12 September, international observers received a report from an elderly couple that two Croatian soldiers had thrown a grenade into their house;

Former Sector North

(t) In a village of Gornji Cerovljani, on 2 September, international observers reported that a church, which was undamaged as at 31 August, had been destroyed;

(u) In a village of Gruborcni, on 2 September, it was reported that Croatian army soldiers searched the village for weapons and took television sets and other valuables from the houses;

(v) In the village of Paukovac, on 7 September, international observers reported that 50 houses (80 per cent) had been destroyed;

(w) In the village of Rijeka, on 11 September, international observers reported that 13 houses had been burnt. Five Croatian soldiers prevented the observers from investigating further;

(x) International observers reported on 14 September that Croatian soldiers looted Serb property while Croatian police were in attendance in the villages of Donji Klasnic, between Soruga and Uncani, Donji Zirovac;

(y) In the villages of Katinovac, Sibare, Rujnica, Rajici, Kljajici, Kbnezevci, Pecka, Crni Potok and Gornji Klasnic, on 16 September, international observers reported having seen 84 recently burnt houses;

(z) In the village of Dugi Dol, on 8 October, international observers saw approximately 14 burnt houses. The remaining houses in the village were looted and vandalized;

(aa) International observers visiting the village of Buzeta reported on 10 October that the Orthodox church had been completely burnt and destroyed.

5. Other forms of harassment

34. Although the Croatian authorities are trying to assure the remaining Serbs that they are welcome to stay in Croatia, the Special Rapporteur has received numerous reports suggesting that in fact their continued residence in Croatia is not welcome. During her mission to the former Sector North, the Special Rapporteur met with some elderly and disabled Serbs who reported being constantly harassed and attacked by uniformed men and civilians. A 65-year-old disabled woman had been shot at by armed and uniformed assailants just two days before the visit of the Special Rapporteur. International observers confirm that armed individuals in Croatian army uniforms regularly roam the countryside terrorizing elderly Serb civilians.

35. These violations have been brought to the attention of the Government of Croatia at the highest levels by the United Nations, including the United Nations High Commissioner for Human Rights, on a number of occasions. On 18 October 1995 the Croatian Minister of the Interior presented the results of the investigation of crimes committed in connection with operation "Storm", according to which the police had resolved 25 of 41 registered cases of murder. The police have arrested 13 people suspected of committing crimes in the village of Gosici and in Varivode. According to the Government only one Croatian army soldier was included among the suspects, whereas all others were civilians who were wearing military apparel. According to Government information, the police have also received reports of 844 cases of looting, 619 of which have been resolved; 751 suspects have been reported to state attorneys. The Special Rapporteur has not received any detailed information concerning the prosecution of perpetrators.

C. Return of refugees and displaced persons

36. The official line in Croatia is that the Serbs are welcome to return to their ancestral homes. However, the reality is rather different. First, there are physical barriers to returning because of the widespread burning of houses and, secondly, there are more subtle legal and administrative impediments.

37. During her recent mission, the Special Rapporteur held discussions with the Croatian authorities concerning the recently adopted law on the temporary takeover and management of certain property. This law allows the Croatian authorities to assume control over "abandoned property" which may then be given to Croatian displaced persons and refugees for "temporary possession and use". This law primarily addresses the situation created in the former sectors when nearly 200,000 Serbs fled their homes following Croatia's military action at the beginning of August. The Special Rapporteur was informed by the Croatian authorities that the purpose of the new law was to protect abandoned property and to secure it for the possible return of the legitimate owners.

38. There are a number of concerns regarding this law. First, it does not appear to conform with articles 3 and 48 of the Croatian Constitution, which guarantee the right of ownership. Article 50 of the Constitution stipulates that ownership may in the interests of the Republic be restricted by law, or property taken over against indemnity equal to its market value. Thus the property of the fleeing Serbs in the form of real estate should be expropriated by the Government only in exchange for its market value. However, the law on the temporary takeover and management of certain property constitutes a de facto confiscation. Furthermore this law concerns not only real estate but also moveable property.

39. The law has extended the period of time during which the legitimate owners may return to Croatia and reclaim their property from 30 to 90 days. It remains unclear what the status of the property is after the 90 days are over, even though it has been stipulated that the ownership of unclaimed property will be dealt with by a special law. Furthermore, even if the owner does return within the deadline, his or her property will not be restored until the Croatian citizen to whom the property has been given receives another "appropriate property for possession and use". This law has a restrictive effect on the concept of property since Serbs may be deprived of the right to own property solely because they are unable to use it personally.

40. Furthermore, the Special Rapporteur notes the difficulties facing refugees in returning to Croatia within the deadline in order to reclaim their properties. The Croatian Office for Displaced Persons and Refugees has established a procedure for return. After studying the regulations, the Special Rapporteur is convinced that the vast majority of refugees, regardless of their own intentions, will not be able to meet those requirements. During the meeting with the Special Rapporteur, the Deputy Prime Minister, Mr. Ivica Kostovic, stated that all those who are able to present the required documents would be allowed to return. According to him, this proves the serious intention of the Government in its officially proclaimed policy towards the return of refugees.

41. However, the Special Rapporteur points out that a couple of thousand Croatian Serb refugees are already waiting in Hungary for return and are being prevented from doing so by various bureaucratic measures instituted by Croatian officials. Reports have been received of various administrative obstacles and the very uncooperative attitude towards refugees of both the Croatian liaison office in Belgrade and the Croatian embassy in Budapest. Other reports confirm that refugees have been turned back at the border despite being in possession of the necessary documentation, including Croatian citizenship papers. Given that return within the prescribed time-limits does not appear feasible, the requirement that the owners must be in Croatia constitutes an insurmountable obstacle for Serbs currently outside Croatia.

42. It is necessary to indicate that this law affects not only refugees who fled from the former sectors but also persons who left Croatia after 17 August 1990, or are staying in either the former Sector East, the Federal Republic of Yugoslavia, or the Bosnian Serb-held areas of Bosnia and Herzegovina and have not used the property personally since leaving Croatia.

43. Another matter for concern regarding refugees and displaced persons is the directive issued by the Croatian Office for Displaced Persons and Refugees on 22 September on the revocation of refugee status of citizens of the Republic of Bosnia and Herzegovina who are in Croatia and who came from municipalities which were under the control of the Federation of Bosnia and Herzegovina on that date. This measure could have serious implications for the status of up to 100,000 refugees.

44. The Government of Croatia has informed the Special Rapporteur that only refugees from areas considered to be completely safe would be required to return to Bosnia and Herzegovina. However, by its terms, the revocation of refugee status affects all of the country's refugees in Croatia, with only limited exceptions such as sick people, orphans and those studying in Croatia. According to the Government, the municipalities which should not in any case be considered safe are those still under the control of the Bosnian Serb army and those close to the front line.

45. More than 40,000 Croatian displaced persons who were originally from Krajina and Western Slavonia are expected to return to their former homes by the end of the year.

D. Situation of refugees in the Kupljensko area

46. At the beginning of August, approximately 25,000 Bosnian Muslim refugees fled from the Velika Kladusa area of Bihac, in north-western Bosnia and Herzegovina, to Croatia following the fall of that region to the Bosnian Government forces. They have been precariously settled in the Kupljensko area along the sides of the road between Vojnic and Velika Kladusa. The majority of these refugees are unwilling to return to Bihac because of the security situation. Details of this problem are provided in paragraphs 72 to 79 below.

47. There are a number of allegations against the Croatian civilian authorities and the Croatian security forces concerning their treatment of those refugees. Many concerns have been raised concerning the humanitarian situation in this camp. International agencies have assessed that the site of the camp is highly unsuitable, with poor sanitation leading to serious health concerns. The makeshift accommodation in which the refugees are housed is also highly unsuitable for the winter ahead.

48. The general security situation is reported to be very bad, with tensions running high among the refugees and the presence of a large number of draft-age men carrying dangerous weapons. There are allegations that the Croatian security forces are responsible for worsening the security situation by harassing and provoking the refugees and by encouraging a black market in the camp. There are some reports that Croatian security forces have shot and wounded persons leaving the camp area, which is strictly forbidden. In one case, it was reported that on 25 August 1995, three young people were shot in the right hand by two uniformed men when discovered picking pears from a tree.

49. In September, the Office of the United Nations High Commissioner for Refugees (UNHCR) reported that at least 40 persons have been abducted and

forcibly repatriated by Croatian army soldiers. Other reports state that Croatian soldiers are receiving 200 deutsche mark for each man handed over to the Bosnian Government forces (Fifth Corps).

50. There are allegations that the refugees are experiencing problems receiving medical care in Croatian hospitals. Reports state that hospital authorities are reluctant to provide treatment without receiving payment first and that ambulance drivers have been harassed at checkpoints.

III. BOSNIA AND HERZEGOVINA

A. Introduction

51. During her mission to Bosnia and Herzegovina, the Special Rapporteur held meetings with representatives of governmental authorities, including Mr. Alija Izetbegovic, President of the Republic of Bosnia and Herzegovina, and members of various non-governmental organizations (see appendix). Discussions concerned recent political developments and pertinent human rights issues. The Special Rapporteur was assured full cooperation and support by the Bosnian Government authorities, particularly with regard to the question of access to territories. The Special Rapporteur was also greatly encouraged by the activities of the non-governmental community.

52. A visit was also made to the headquarters of the Bosnian Serb de facto authorities at Pale, where a meeting was held with Mr. Aleksa Buha, who, on behalf of the leadership of the Bosnian Serb de facto authorities, expressed willingness to cooperate with the Special Rapporteur. The Special Rapporteur stressed the need for free access to all Bosnian Serb-held territories, particularly Srebrenica, Zepa and Banja Luka, if a full assessment of the human rights situation was to be made. She was informed that there would be difficulties in gaining full access until a final peace agreement had been concluded.

53. In terms of the general human rights situation in Bosnia and Herzegovina, the Special Rapporteur notes that the military activities in recent months and the accompanying territorial changes have yielded new evidence of human rights violations, both past and present. There are allegations of human rights violations committed by all sides to the conflict during the recent military offensives which require further investigation. In addition, there may be allegations of violations committed in the past which it may now be possible to investigate through the possibility of access to territories captured by Government and Bosnian-Croat forces; the displacement of persecuted minorities to accessible territories; and the possibility of access to Bosnian Serb-held lands.

B. Sarajevo

54. Sarajevo has been the scene of some of the gravest violations of human rights in the course of this conflict; the targeting of civilians by shelling and sniping has resulted in countless dead and wounded. The shelling of Markale

market on 28 August 1995, in which 37 people died and 80 were injured, was a particularly brutal example of the targeting of civilians. The humanitarian situation has also been extremely serious, with acute food shortages and problems with utilities which have frequently been used as a weapon of war.

55. The new momentum towards peace in the region appears to be having a most dramatic and visible impact on life in Sarajevo. The Special Rapporteur is highly encouraged to report a much improved situation in the city. Restrictions on the freedom of movement for international observers have been almost completely lifted. Two important routes have been opened up for the United Nations and international aid agencies, while the "blue routes" have been opened for civilian traffic. The food situation has improved, owing to the increase in humanitarian aid deliveries and the revitalization of commercial traffic due to improved security conditions in the Mt. Igman road. The first aeroplane in five months landed at the airport on 15 September 1995.

56. The security conditions are also greatly improved. The level of firing incidents has fallen drastically and on 2 October 1995 the lowest level of firing incidents since the start of the conflict was reported. Since the implementation of the cease-fire accord on 12 October 1995, the utility situation has improved significantly. Electricity is being supplied to most of the city and gas was restored on 12 October. Water became available intermittently on 20 October.

C. Allegations of human rights violations committed by Bosnian Serb forces

1. Human rights concerns arising from recent military offensives

57. There are allegations of violations of international humanitarian law committed by Bosnian Serb forces which require further investigation. For example, a massacre was allegedly committed by the Bosnian Serb army in the village of Oborci on 12 September 1995 and the victims had suffered gunshot wounds to the head. The Bosnian Serb forces reportedly captured many prisoners during these offensives but ICRC has not yet been granted access to them. In addition, human rights monitors have consistently been denied access to all Bosnian Serb-held territories.

2. Expulsion and other abuses against minorities from Serb-held areas in north-western Bosnia and Herzegovina

58. The expulsion of minorities from Bosnian Serb-held areas in north-western Bosnia and Herzegovina has occurred at an increased rate since early September. Over 1,000 persons, mostly Muslims, were expelled from Doboj between 20 and 22 September. It is reported that they were forced to assemble in a sports stadium, robbed of their valuables, transported to a wooded area and then forced to walk to the front line. Three elderly persons died of exhaustion during the journey. Some of the people displaced showed clear signs of severe physical abuse, including an elderly woman with marks on her hands and face indicating

that she had been bound and gagged with wire. On 11 September, unknown men entered the village of Sasina near Sanski Most and evicted 150 Croats.

59. Since the beginning of October, this problem has intensified, with large-scale expulsions from various areas, including Prijedor, Banja Luka and Sanski Most. Approximately 6,000 people are reported to have been expelled to central Bosnia. Some 1,000 are still located in the Zenica area, whereas several thousand have been relocated to areas in western Bosnia recently captured by Bosnian Government and Bosnian-Croat forces. Field staff of the Centre for Human Rights, in conjunction with United Nations Peace Forces and UNPROFOR civilian staff, conducted a mission to Zenica and Travnik at the end of October where they interviewed numerous displaced persons. This investigation has, by and large, confirmed reports of international agencies in Zenica which indicated numerous cases of forcible eviction, rape, beating and physical and psychological torture. There are also some accounts of detention in horrific conditions and numerous reports of forced labour. This investigation found little information on executions.

60. Many of the displaced persons report that they were expelled from their houses by paramilitary groups from the Federal Republic of Yugoslavia at very short notice. They were often given little more than half an hour to pack their belongings. Several families were forcibly separated from their relatives; in one account a woman from Ljubija was separated at gunpoint from her husband, her two children and her mother. The buses were stopped several times on their journey to the confrontation line. The vast majority of men between 17 and 60 were separated from the rest and there were reports that some soldiers from the Bosnian Serb forces robbed the displaced people of their money. The journey across the confrontation line was immensely difficult and, in one expulsion, during the night of 6 October, several elderly and disabled people are reported to have drowned when forced to cross the Usora river.

61. The persons displaced are mainly the elderly, women and children. The fate of draft-age men who were systematically separated from the others during these expulsions is unknown; their number is assessed at between 300 and 500. In addition, a significant number of men who were performing forced labour duties were left behind and are now reported missing. Furthermore access of international agencies to the remaining minority population, estimated at 13,000, has been severely restricted and is further jeopardized by armed attacks on their staff.

62. Allegations of mass killings conducted by Serbian paramilitary groups in these towns is a matter of grave concern. Reports received independently from many of the displaced indicate that up to 100 persons who refused to leave their homes were killed at Bosanski Novi. It is also reported that as many as several hundred may have been executed in a cement factory at Sanski Most. During the expulsion of minorities from Prijedor, it was reported that a 55-year-old woman who refused to leave her home was stabbed to death.

63. The following are typical accounts of these expulsions. At Bosanska Petrovac, the Bosnian Muslim minority were expelled by Bosnian Serb soldiers. They were given only minutes to pack their belongings. Young girls between the ages of 17 and 18 were reportedly separated from the others and some 30 draft-

age men were taken from a convoy at Teslic and their fate remains unknown. In another case, 1,200 displaced persons who arrived at Tesanj reported that they had been expelled from their homes in similar circumstances and had been forced to pay a fee of DM 120 for Bosnian Muslims and DM 50 for Bosnian Croats before leaving Bosnian Serb-held territory. On 12 October 1995, 38 persons were expelled from Bijeljina; they recount how they were taken from their homes early in the morning by men wearing uniforms and black masks. They were not permitted to pack their belongings or get dressed properly and were forced to hand over their money and jewellery.

64. Interviews conducted with displaced persons confirm earlier reports of the detention of non-Serbs for forced labour. It is assessed that this practice has been so widespread that it has encompassed the vast majority of the male, draft-age population. Many are reported to have been forced to perform labour duties in extremely hazardous circumstances, such as the vicinity of confrontation lines. Duties included the digging of trenches and the cutting of timber. Several persons interviewed reported that they were dispatched for these duties for periods of two to three months at a time, after which they were allowed to return for a couple of weeks to their families. Such forced labour resulted in the death of a significant number of men and the wounding of many others. One man interviewed reported that he had been performing forced labour duties since 15 July 1992. He stated that on 12 June 1995 he was wounded by a gunshot through his stomach while digging a trench at Bajici near Brcko. Owing to the very dangerous circumstances of the location, his work grou' of 10 people was working without Bosnian Serb supervision. He reported being threatened that his relatives would be killed if he attempted to escape. He also stated that he had received good medical treatment. The practice of forced labour is a violation of fundamental human rights norms.

3. The situation in Banja Luka

65. Banja Luka has experienced two major waves of displaced persons in recent months. In August, there was an enormous influx of Serbs from the Krajina, most of whom continued on their way to the Federal Republic of Yugoslavia. In September, an estimated number of 50,000 Serbs were displaced to Banja Luka from western Bosnia and Herzegovina.

66. The humanitarian situation in the city has been and continues to be precarious. The city is reported to be very congested and the need for humanitarian assistance is great. The sanitary conditions at the collective centres where the displaced persons are housed are very poor and many people are reportedly sleeping out in the open.

67. The persecution of minorities has been an ongoing problem, as testified in reports of the former Special Rapporteur. However, the influx of thousands of displaced Serbs has no doubt exacerbated the situation. Persecution has mostly taken the form of evictions, which have sometimes been conducted in a very brutal manner, including torture and death. Since August 1995 particularly, most members of minority groups have been desperate to leave and, on 14 August, an organized departure of Croats and Muslims began to Croatia at the Srbac/Davor crossing. This procedure was halted on 21 September, by which time 22,077

persons, comprising 14,417 Croats, 7,619 Muslims and 41 others had crossed over to Croatia.

68. Two important matters which were raised in the reports of the former Special Rapporteur continue to give reasons for concern. First, eight members of the Merhamet leadership who were arrested and placed in detention on 28 February 1995 for alleged espionage activities are still reported to be in detention. The trial was scheduled to commence on 31 October 1995 and they may face the death penalty if found guilty. There are allegations that they have suffered mistreatment while in detention, and earlier plans for prisoner exchanges with Bosnian Serb prisoners held by the Bosnian Government have not been successful. In a similar trial, the "Valter group", a group of five members of the Party of Democratic Action, were found guilty and sentenced to a period of between 13 and 20 years, in a trial which was concluded approximately two months ago. In the context of the ongoing persecution of the Catholic clergy, it should be noted that Bishop Komarica of Banja Luka remains under house arrest.

4. Srebrenica

69. The brutal expulsion of Bosnian Muslims from Srebrenica was related in the report of the former Special Rapporteur of 22 August 1995 (E/CN.4/1996/9). The question of the thousands missing and detained from Srebrenica has still not been resolved. On 13 September 1995, ICRC gave further clarification to its figure of 10,000 tracing requests concerning those missing from Srebrenica. It appears that 2,000 of these are duplicate tracing requests. This leaves a total of 8,000 tracing requests for persons unaccounted for. On the basis of information given by the families, the figure of 8,000 unaccounted for can be further broken down as follows. First, it appears that 5,000 persons are still missing from an enormous column of mostly draft-age men who left the enclave before its fall to the Bosnian Serb forces. It is clear that a number have safely reached territory governed by the Federation of Bosnia and Herzegovina, but no further precision can be given. Secondly, it appears that 3,000 persons who were separated from their families by the Bosnian Serb forces during the actual expulsion are missing. ICRC has been given access to only 166 persons in detention. Ongoing investigation by various international agencies further strengthens the preliminary conclusion reached by the former Special Rapporteur in his report of 22 August 1995, and strongly suggests that mass killings have taken place. The Special Rapporteur intends to examine thoroughly the findings of the investigation into events in Srebrenica which she has recently received from the Netherlands authorities.

D. Allegations of human rights violations committed by Bosnian Government and/or Bosnian Croat forces

1. Human rights concerns arising from recent military offensives

70. Further investigation is necessary regarding allegations of violations of human rights committed by the Bosnian Government and Bosnian Croat forces during the recent military operations in central and western Bosnia and Herzegovina.

For example, it is alleged by displaced persons in Livno that Bosnian Croat and Croatian army forces fired at a bus of fleeing civilians resulting in the death of 20 passengers and injury to 15 more. However, these investigations are being hampered by the ongoing restrictions of access to the area by both Bosnian Government and Bosnian Croat forces.

71. The Bosnian Government army has stated that it has captured a large number of men during the recent military operations, but ICRC has not yet been given access to them. The Bosnian Croat forces have also detained a number of prisoners following the operation and have granted access to ICRC to approximately 100 to 150 of this number.

2. Bihac

72. The military situation in the Bihac pocket changed dramatically in August 1995 with the defeat by the Bosnian Government forces (Fifth Corps) and the Croatian army of the renegade Muslim forces of the "Autonomous Republic of Western Bosnia" led by Fikret Abdic. This resulted in the exodus of some 25,000 Abdic followers to Croatia, where they are currently housed in the Kupljensko camp, south of Vojnic.

73. There are serious allegations of human rights abuses committed against the Abdic followers during and after the offensive. Investigations have already been conducted by international agencies into these allegations but further investigation is necessary.

74. There are allegations of violations of international humanitarian law during the offensive. One former Abdic supporter reported that he was in a group of 100 men who were defeated by the Bosnian Government forces (Fifth Corps). He reported that even though he had laid down his arms, he was singled out of a line of people and shot with the result that he suffered serious head injuries and the loss of his right eye. There are other allegations of atrocities committed against civilians which require further investigation.

75. Reports have been received since the offensive and up to the present time that families of Abdic followers remaining in Velika Kladusa have been subjected to physical abuse and harassment. It would appear that these security concerns are discouraging the return in substantial numbers of the displaced persons in Kupljensko camp.

76. The most disturbing pattern to emerge from these reports is the sexual abuse and harassment of women. In a number of reported cases the perpetrators have been identified as members of the Fifth Corps and in other cases the assailants were alleged to be wearing military uniforms. In one reported case, the wife of a senior Abdic army official was interrogated several times in her home by members of the Fifth Corps. Finally, on 10 August, she was abducted from her home, beaten and raped. In another case investigated by international monitors, a 67-year-old woman, who had been forced to stay behind in Velika Kladusa to look after her paralysed husband, was raped in her home at night by an armed man in uniform. In another case, a woman and her two daughters were

repeatedly beaten and harassed by soldiers from the Fifth Corps on several occasions, and interrogated about the military activities of male relatives.

77. Reports of such incidents continued to be received in October. In an incident in late September, an intruder dressed in uniform broke into the home of a woman and beat her. In another investigated case, on 5 October, a man in uniform broke into a house and attempted to rape a woman who was holding a baby.

78. The Bosnian Government authorities are now taking some note of the general security situation in this area and have instituted certain measures to help alleviate the problem and to create conditions necessary for the return of the refugees in Kupljensko camp. It is recognized that elements of the Fifth Corps are responsible for some of these incidents and must be controlled. The Federal police have been placed in the area and a Federation ombudsman has visited the region. The Trilateral New York Declaration of 23 October 1995 reaffirms the trilateral consultation and cooperation mechanism between Bosnia and Herzegovina, Croatia and Turkey. As a concrete result of this mechanism, the Agreement on the Establishment of the Mission of Goodwill and Joint Police Forces for Action "Return" was concluded, in order to address the question of the safe and voluntary return of the displaced from Kupljensko camp to Bihac. The parties have agreed that the Ambassadorial Mission of Goodwill will be entrusted with overseeing this task and that trilateral police forces are to be engaged in the question of return. Further investigation is necessary to establish whether these measures are taking effect and whether sufficient attention is being given to the particular security problems faced by women.

79. International agencies are involved in the question of the return of the refugees. According to information received, UNHCR was scheduled to start a bus service between Velika Kladusa and Kupljensko on 30 October. This bus service is to run three times a week for refugees wishing to return to Velika Kladusa. The European Community Task Force also has an operational bus service between the two locations.

IV. FEDERAL REPUBLIC OF YUGOSLAVIA

A. Introduction

80. The Special Rapporteur visited Belgrade on 13 October 1995. This first visit was undertaken for the purpose of establishing personal and institutional contacts with the authorities of the Federal Republic of Yugoslavia and receiving relevant information also from non-governmental organizations. The programme of the visit is reproduced in the appendix.

81. The Special Rapporteur notes that the Federal authorities offered their full support for her mandate and were ready to discuss all human rights problems openly. The authorities promised full access to all missions undertaken by the Special Rapporteur.

82. The Special Rapporteur has received information about human rights problems from various sources. During her first visit to the Federal Republic of Yugoslavia she was not able to visit all sensitive regions and to meet in

particular with representatives of the various nationalities living in that country. Therefore the present report signals only some issues; more comprehensive analyses will be provided in a later report.

83. The Special Rapporteur takes note of two documents recently prepared by the Government of the Federal Republic of Yugoslavia, entitled "Memorandum on the ethnic cleansing of and genocide against the Serb people of Croatia and Krajina" (A/50/707-S/1995/907, annex) and "War crimes against the Serbs on the territory of the county of Gorazde (1992-1994)".

B. Information received by the Special Rapporteur

84. During the discussions with the authorities and the non-governmental organizations, the Special Rapporteur received information and dealt with the questions of humanitarian problems, refugees, the citizenship law, effects of sanctions, protection of minorities, children's rights, missing persons, freedom of the media and independent trade unions.

85. The Special Rapporteur informed the authorities about the data given to her by organizations of families of persons who were reported missing from Croatia during the 1991 war. She also urged the Government to extend their cooperation to the expert member of the Working Group on Enforced and Involuntary Disappearances of the Commission on Human Rights entrusted with the special process dealing with the problem of missing persons in the territory of the former Yugoslavia.

86. The authorities expressed concern about the effect sanctions have on the living standards of the population and implementation of some basic human rights, in particular the rights of the most vulnerable groups. The authorities expressed their concern about the human rights situation in the former sectors North and South in Croatia. They also pointed out that the law, referred to above, on the temporary takeover and management of certain property adopted by Croatia is of a discriminatory and arbitrary character.

87. That question was also brought to the attention of the Special Rapporteur by the representatives of the non-governmental organizations. The human rights problems in Kosovo, Sandjak and Vojvodina were also addressed by various non-governmental organizations, as were the freedom of the media, the rights of women, mobilization and forced return of refugees, the citizenship law, and obstruction of independent trade union activities.

C. Humanitarian situation

88. The Special Rapporteur was informed that the humanitarian problems facing the Federal Republic of Yugoslavia are inextricably connected with the refugee crisis. According to the Federal Minister for Minorities, Yugoslavia has taken in approximately 700,000 refugees and the very numbers create, in the view of the Government, a threat to basic human rights in the country.

89. According to the Government, because of the sanctions the economy of the Federal Republic of Yugoslavia is under financial strain, which results in its inability to provide adequate assistance for all refugees and displaced persons. A large number of people are accommodated in collective centres financed by the Government. The need for housing, education and health care is critical and the relief supplies are insufficient.

90. The Special Rapporteur was informed that the draft law on citizenship has reached the Chamber of Deputies. It would appear that the public has been given the possibility of providing their comments. On the other hand, the Special Rapporteur learned, from other sources, that the lack of clarity on the citizenship status contributes to serious difficulties in implementing human rights by various categories of inhabitants of the Federal Republic.

91. Following her mission the Special Rapporteur sent a letter to the Government requesting additional information and clarification. Concerning the legal status of refugees, in particular those recently arrived from Croatia, the Government in its reply stated:

> "Persons expelled from the Republic of Serb Krajina (RSK) enjoy in the Republic of Serbia the same rights as refugees from the other republics of the former Socialist Federal Republic of Yugoslavia. The legal status of these persons will be regulated by legislation, adoption of which is under way by the competent authorities of the Republic of Serbia. Pending the adoption of such legislation, expelled persons will enjoy the same forms of protection as refugees. With a view to protecting expelled persons from the Republic of Serb Krajina in the best possible manner, the Governments of the Federal Republic of Yugoslavia and the Republic of Serbia, respectively, have established headquarters to coordinate activities of the government organs and organizations aimed at caring for expelled persons.
>
> "Expelled persons are extended maximum protection within available material resources.
>
> "The legal acts formally regulating the status of around 200,000 expelled persons in the Republic of Serbia are expected to be adopted in the course of November 1995."

92. The Special Rapporteur also requested information regarding cases of forced expulsion from the Federal Republic of Yugoslavia of military-age male refugees from Croatia to Serb-controlled territories in Croatia and Bosnia and Herzegovina.

93. In that regard, the international source reported, in September 1995, that "at least 50 newly arrived refugees from Krajina, who were accommodated in different locations in the Federal Republic of Yugoslavia, have been deported by police forces and sent to Sector East for mobilization". In addition, two groups of draft-age male refugees (256 and 600-800) from that region who had already entered the Federal Republic of Yugoslavia with their families and registered, were sent back to Banja Luka on 13 August 1995. As at 18 September there were another 18 cases of forced mobilization of Croatian Serb refugees in collective centres in Kragujevac and Kovin.

94. The Government provided the Special Rapporteur with the following explanation: "The Yugoslav army has not forcibly expelled men fit for military service from the Federal Republic of Yugoslavia to the Republic of Serb Krajina, nor does it intend to".

D. Protection of minorities

95. The question of protection of minorities and nationalities was brought to the attention of the Special Rapporteur by various sources as one of the most important issues.

96. International sources reported that more than 200 Croats were recently expelled from Vojvodina and crossed to Donji Mlhojiac in Croatia. On 14 August 1995, 50 ethnic Croats from Vojvodina, with Yugoslav citizenship, informed the UNHCR office at Osijek that Krajina refugees forced them to leave Serbia. The Hungarians (totalling 350,000) and other minorities in Vojvodina are reportedly being driven out of the area by the arriving Serb refugees from Krajina. According to UNHCR, the authorities of the Federal Republic of Yugoslavia expressed a willingness to end these expulsions and the police and local human rights organizations in Vojvodina have taken action to safeguard the houses of ethnic Hungarian and Croat citizens.

97. Concerning that matter the Government in its response to the Special Rapporteur stated:

> "The Provincial Secretariat for Minorities Rights, Administration and Regulations is responsible for monitoring the rights and position of all the national minorities in the territory of the Autonomous Province of Vojvodina. So far the Secretariat has never been addressed by a member of a national minority requesting protection from pressures to emigrate to other State.
>
> "Furthermore, during meetings between the Secretariat's representatives and members of national minorities in various towns in the province no one has ever referred to any pressures being exerted on members of national minorities with a view to inducing them to leave the country."

98. The Special Rapporteur did not visit Kosovo and was unable, during the mission, to have direct contact with representatives of the ethnic Albanian community. However, she has received written allegations about various human rights violations which she will investigate in subsequent missions.

E. Request for establishing a monitoring presence

99. The Special Rapporteur discussed with the Minister for Foreign Affairs and the Federal Minister for Human Freedoms and Rights of National Minorities the possibility of opening of an office of the Centre for Human Rights to assist her in the gathering of first-hand information. The latter requested that a written proposal be submitted to the authorities for proper consideration.

100. Such a request was sent. To the date of the present report the Government has not provided an answer. In the view of the Special Rapporteur, it is indispensable to establish a presence in the Federal Republic of Yugoslavia in order to obtain direct access to the information concerning the human rights situation. Without that arrangement, the possibility of presenting reliable and objective reports will be seriously hampered.

V. CONCLUSIONS

101. The human rights situation in various regions of the former Yugoslavia gives reason for serious concern. Cases of mass killings of civilians, torture, other forms of harassment, looting of property, and the burning of houses are still being reported. A large number of people are unaccounted for and new cases of missing persons have been reported. More and more people are fleeing their homelands.

102. Children are one of the most vulnerable groups affected by the conflict. The development of these children is significantly obstructed by, inter alia, suffering from war-related trauma and the instability of their lives.

103. In Bosnia and Herzegovina, of particular and immediate concern is the fate of the approximately 8,000 Bosnian Muslims, mainly males, from Srebrenica who are still unaccounted for. There are strong indications that the majority of these people have been victims of mass killings by Bosnian Serb forces which occurred after the fall of the "safe haven" of Srebrenica.

104. There is ongoing persecution and harassment of the remaining Bosnian Muslim and Bosnian Croat minorities in Banja Luka and other areas controlled by the Bosnian Serb forces. Many Bosnian males are unaccounted for following the recent expulsions from north-western Bosnia and Herzegovina.

105. Serious human rights violations and violations of humanitarian law were perpetrated by members of the Croatian army during and after operation "Storm" in the former sectors North and South in Croatia. The fate of the remaining Serb population, which is composed mainly of disabled and elderly people, is of particular concern. Their basic human rights have been consistently violated. The Croatian authorities bear full responsibility for this situation.

106. The humanitarian situation of approximately 25,000 Bosnian Muslim refugees from the Velika Kladusa region is extremely difficult. Proper conditions for their return have not been created by the responsible authorities of Bosnia and Herzegovina. Neither has the Government of Croatia provided for adequate living conditions while they are stranded as refugees on Croatian territory.

107. There is no progress on the question of the return of refugees and displaced persons in the entire territory of the former Yugoslavia. Croatia, in spite of various official proclamations, has in effect created insurmountable bureaucratic obstacles to the possible return of the displaced population from former sectors West, North and South. Recently adopted laws seriously undermine the rights of these populations. Within the Federation of Bosnia and Herzegovina there is also no progress in the return of displaced and refugees.

The Federal Republic of Yugoslavia is facing serious humanitarian problems, owing to the influx of over 100,000 refugees from Croatia.

VI. RECOMMENDATIONS

108. Respect for human rights should be given priority during and after the peace negotiations. Without genuine improvements in the human rights situation in the former Yugoslavia, any peace agreement will not have a solid foundation. Effective protection of human rights in the whole region under international supervision should be firmly granted. In this regard the United Nations High Commissioner for Human Rights should receive all necessary support and financial resources to create an adequate monitoring mechanism and to develop required advisory service and technical assistance programmes.

109. Impartial and objective information is crucial in the development of democratic societies; without it images of hate based on misinformation will be recycled. Therefore, all legal, administrative and financial restrictions imposed on the media by the authorities of the Federal Republic of Yugoslavia, Croatia and Bosnia and Herzegovina should be removed.

110. The children of the former Yugoslavia should be the first priority of all concerned parties. All the countries in the region, being parties to the Convention on the Rights of the Child, should strictly implement the provisions to which they are bound.

111. The de facto Bosnian Serb authorities should provide prompt access for human rights monitors to territories controlled by them, in particular to the Banja Luka region and Srebrenica. The fate of thousands of missing persons from Srebrenica requires immediate clarification.

112. The minority population living in Bosnian Serb-controlled territories should be given effective protection, including the establishment of relevant international mechanisms.

113. The Government of Bosnia and Herzegovina should take without delay all necessary steps to create conditions for the safe return of Bosnian Muslim refugees from the Velika Kladusa region.

114. The Government of Croatia should promptly fulfil its responsibilities to secure the basic human rights of the remaining ethnic Serb population in all recently retaken territories. It should also remove all legal and administrative hurdles which are preventing the return of refugees and displaced persons.

115. If any human rights policy is to work, it must be formulated and implemented now, that is before any sanctions are lifted, and before major aid initiatives are launched. Reconstruction aid must be made conditional on meaningful progress on human rights. The process must also be a gradual one, each positive step from the parties in the former Yugoslavia being followed by positive measures from supporting countries.

116. All Governments and relevant authorities should extend their cooperation to the International Criminal Tribunal for the former Yugoslavia with the aim of punishing perpetrators of war crimes. There cannot be impunity for war crimes and crimes against humanity. Without justice there cannot be reconciliation, without reconciliation there cannot be peace.

Notes

1/ The report of the Secretary-General submitted to the Security Council pursuant to its resolution 1009 (1995) (S/1995/730 of 23 August 1995) contained a number of examples of such violations. See also the report of the Secretary-General on the situation in the occupied territories of Croatia (A/50/648 of 18 October 1995).

Appendix

PROGRAMME OF MEETINGS OF THE SPECIAL RAPPORTEUR DURING THE MISSION (9-15 OCTOBER 1995)

Monday, 9 October

Zagreb

Mr. Pierre Jambor	Chief of Mission for Croatia, UNHCR
Mr. Byung Suk Min	Chief of Mission, UNCRO
Mr. Gerard Fischer	Head of Political and Humanitarian Affairs, UNCRO
Ms. Elisabeth Naucler	Political and Humanitarian Affairs, UNCRO
Mr. Milorad Pupovac	President of the Serb Independent Party

Tuesday, 10 October

Sarajevo

Mr. Alija Izetbegovic	President of the Republic of Bosnia and Herzegovina
Mr. Mirko Pejanovic	Member of the Bosnian Presidency and Chairman of the Serbian Citizens Council
Mr. Osman Topcagic	Secretary of the Ministry of Foreign Affairs
Mr. Hasan Muratovic	Minister for Relations with International Organizations
Mr. Skjold Mellbin	Head of mission of the Organization for Security and Cooperation in Europe (OSCE)
Mr. Esad Muhibic	Federation Ombudsman
	Members of the Executive Committee of the Bosnian Helsinki Committee for Human Rights

Wednesday, 11 October

Mr. Antonio Pedauye	Chief of Mission, UNPROFOR
Major-General Rupert Smith	Commander, UNPROFOR

Pale

Mr. Aleksa Buha	Representative of the Bosnian Serbs

Zagreb

Mr. Fernando Sanchez-Rau	Chief of Mission, European Community Monitoring Mission
Mr. Alex Braunwalder	Head of delegation, ICRC
Mr. Angelo Gnaedinger	Delegate General for Western and Central Europe, ICRC
Mr. Zoran Pusic	President, Civic Committee for Human Rights
Mr. Sinisa Maricic	Civic Committee for Human Rights

Ms. Veronika Reskovic	Anti-war campaign
Ms. Mirjana Radakovic	Anti-war campaign

Thursday, 12 October

Mr. Ivica Kostovic	Deputy Prime Minister in charge of humanitarian affairs
Mr. Miroslav Separovic	Minister of Justice
Mr. Hrvoje Sarinic	Chief of the Office of the President of the Republic
Mr. Peter Galbraith	Ambassador of the United States of America
General Bernard Janvier	Theatre Force Commander, United Nations Peace Forces
Major-General Barry Ashton	Deputy Force Commander, United Nations Peace Forces
Mr. Yashushi Akashi	Special Representative of the Secretary-General
Ms. Zdenka Farkas	President, Apel
Ms. Zvonimir Cicak	President, Croatian Helsinki Committee
Mr. Petar Mrkalj	Executive Director, Croatian Helsinki Committee
Ms. Orhideja Martinovic	Secretary-General, Croatian Helsinki Committee
Mr. Slobodan Budak	President, Croatian Law Centre

Friday, 13 October

Belgrade

Mr. Milan Milutinuvoc	Federal Minister for Foreign Affairs
Ms. Margit Savocic	Federal Minister for Human Freedoms and Rights of National Minorities
Mr. Zeinel Zeinel	Representative of the Federal Assembly Commission in charge of the implementation of the freedoms, rights and obligations of man and citizen
Mr. Pavle Todorovic	President, Federal Commission for Humanitarian Issues and Missing Persons
Mr. Miroslav Ivanisevic	Federal Minister for Labour, Health and Welfare Policy
Mr. Tomica Raicevic	Federal Minister and Chairman of the Federal Government body in charge of providing humanitarian relief to the Republic of Serb Krajina
Mr. Jovan Scepanovic	Commissioner for refugees of the Republic of Montenegro
Ms. Bratislava Morina	Commissioner for Refugees of the Republic of Serbia
Mr. Misa Milosevic	Secretary-General, World Serbian Community Other representatives of the World Serbian Community
Mr. Aleksandar Radovanovic	Head of the International Department, Serbian Commissariat for Refugees
Mr. Miodrag Mihajlovic	Executive Secretary, Committee for Peace and Human Rights

Mr. Branko Brankovic	Ministry for Foreign Affairs
Mr. Ljubivoje Acimovic	Helsinki Committee for Human Rights in Serbia
Mr. Novak Pribicivic	
Mr. Sefko Almerovic	
Ms. Seska Stanojlovic	
Mr. Milan Vukovic	
Professor Zoran Pavlovic	
Ms. Sonja Biserko	
Mr. Martinovic Gojko	Independent Union
Mr. Vladan Vasilijevic	Belgrade Circle
Mr. Dusko Ecimovic	President of the Initiative Committee for the Return of Serbs to the Republic of Croatia
Mr. Natasa Kandic	Director, Humanitarian Law Fund
Mr. Goran Svilanovic	Centre for Anti-war Action
Ms. Zorica Mrsevic	Women Group

Saturday, 14 October

Field mission of the Special Rapporteur to the former Sector North - Velika Gradac and Budici; meetings and briefings with United Nations military observers and meetings with numerous local Serb residents in surrounding villages

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